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# AC – IPV

## AC - Normal

### Part One is Framework

The role of the ballot is to endorse a positive strategy that challenges the dominant ideology of gender violence. **Nicholson 89**

Nicholson, Carol. "Postmodernism, feminism, and education: The need for solidarity." Educational Theory 39.3 (1989): 197-205.

Most feminists are not satisfied with a merely negative struggle, realizing that “you¶ cannot mobilize a movement that is only and always against you: you must have a¶ positive alternative, a vision of a better future that can motivate people to sacrifice¶ their time and energy toward its realization.”~’ While taking seriously the postmodern¶ insight that our theories will necessarily be partial and culturally specific, they are¶ moving beyond deconstruction in both theory and practice. The recent literature is so¶ voluminous that I can mention here only a few examples of the kind of constructive¶ work that is being done in rethinking the foundations of the disciplines and reforming¶ education.32 Feminist theorists, inspired by the work of Nancy Chodorow and Carol¶ Gilligan in psychology, are challenging our culture’s overemphasis on autonomy,¶ individual rights, and justice and developing alternative accounts of ethics and epistemology¶ which recognize the centrality of the correlative concepts of relatedness,¶ responsibility, and care. Feminist teachers and philosophers of education are engaging in counterhegemonic efforts which incorporate the insights of Freire but go beyond¶ them in consciousness of gender differences. Team-taught courses and interdisciplinary¶ programs focused on women’s and minority studies combat the overspecialization and¶ isolation of academic departments and help students integrate their often fragmented¶ knowledge. Higher education is being transformed throughout the nation by major grant¶ projects to integrate issues of race, class, and gender into the “mainstream” curriculum.¶ I have argued that the leading advocates and critics of postmodernism have often¶ misconstrued its pedagogical implications. It is not enough to deconstruct the modern tradition on the level of theory without a deeper deconstruction of education practice which would avoid Lyotard‘s anarchism and address the problem of how more effectively¶ to achieve Rorty’s goal of initiating students into a wider community. Recent feminist theory not only strengthens the “language of critique” of postmodernism by introducing the political issues of race, class, and gender domination as central to the debate about¶ epistemology; it also provides a “language of possibility” which forms the basis of a¶ new radical pedagogy A postmodern feminism that is sensitive to differences can serve¶ as an important corrective to postmodernism’s tendencies toward nihilism on the one¶ hand and apologies for the status quo on the other.¶ Lyotard is surely right that we can no longer rely on metanarratives to justify¶ knowledge, but it does not follow that we must therefore abandon traditional educational¶ institutions altogether. Long before postmodernism became fashionable, Hannah Arendt¶ wrote insightfully about the paradox of educaton in a postmodern era:¶ Our hope always hangs on the new which every generation brings; but precisely¶ because we can base our hope only on this, we destroy everything if we so¶ try to control the new that we, the old, can dictate how it will look. Exactly for¶ the sake of what is new and revolutionary in every child, education must be¶ conservative; it must preserve this newness and introduce it as a new thing¶ into an old world; which, however revolutionary its actions may be, is always, from the standpoint of the next generation, superannuated and close to¶ destruction.=¶ The point of a postmodern feminist pedagogy is not to destroy tradition but to give students the opportunity to reinterpret it for themselves in the light of new problems¶ and perspectives.¶ Rorty makes a persuasive argument that we should give up our belief in a single¶ Truth which stands apart from the meanings that human beings construct and that we¶ should conceive of education as the initiation of students into the conversations that¶ have shaped past and present communities. He “tells a good story” about what it¶ means to be part of an intellectual conversation that binds its members together by¶ virtue of their admiration for common “heroes.” I can summarize my main point by¶ saying that if we are to carry postmodern theory into pedagogical practice, we must listen to those who are telling stories about what it means to be excluded from a conversation or a community because their “heroes” or “heroines” are different from¶ those of the dominant group. We need “rainbow coalition” of postmodernists, feminists,¶ and educators who are committed to the task of making sure that no serious voices are left out of the great conversation that shapes our curriculum and our civilization

This requires analysis of the law focused on how it perpetuates marginalization of non-white males through perpetuating an epistemology that refuses to recognize day-to-day violence. **Tickner 06**

Tickner 06—professor at the School of International Relations at USC (J Ann, “Feminism meets International Relations”, Feminist Methodologies for International Relations, p. 25-7)

An important commitment of feminist methodology is that knowledge must be built and analyzed in a way that can be used by women to change whatever oppressive conditions they face. When choosing a research topic feminists frequently ask what potential it has to improve women’s lives ( Jayaratne and Stewart 1991: 101). This means that research must be designed to provide a vision of the future as well as a structural picture of the present (Cook and Fonow [1986] 1990: 80). Feminists study the routine aspects of everyday life that help sustain gender inequality; they acknowledge the pervasive influence of gender and acknowledge that what has passed as knowledge about human behavior is, in fact, frequently knowledge about male behavior (Cook and Fonow [1986] 1990: 73). Feminists claim that what is called “common sense” is, in reality, knowledge derived from experiences of men’s lives, usually privileged men. Importantly, “male behavior” and “men’s lives” are highly dependent on women and other subordinate groups playing all kinds of supportive roles in these lives and behind this behavior; for if there were only (privileged) men, their lives would surely be different. Designing research useful to women involves first deconstructing previous knowledge based on these androcentric assumptions. Joyce Nielsen suggests that feminist research represents a paradigm shift in the Kuhnian sense in that it sees women, rather than just men, as both the subject matter and creators of knowledge. This leads to anomalies or observations that do not fit received theory. For example, the periodization of history and our understanding of the timing of progressive moments do not always fit with periods that saw progress for women (Nielsen 1990: 19–21). Nielsen outlines the way in which androcentric theories have been used to explain the origins of human society. In the focus on “man the hunter,” man’s (sic) origins were associated with productive rather than reproductive tasks. Men were seen as responsible for organizing human life, and women’s roles as gatherers and reproducers were completely ignored. Nielsen claims that these partial stories are not good science; it follows, therefore, that objectivity depends on the positionality of the researcher as much as on the method used, a claim that contradicts the depiction of science as a foolproof procedure that relies on observation to test theories and hypotheses about the world (Nielsen 1990: 16–18). To this end, Sandra Harding claims that a distinctive feature of feminist research is that it uses women’s experiences as an indicator of the “reality” against which conventional hypotheses are tested and unconventional questions are formulated (Harding 1987: 7). Feminists have also claimed that knowledge based on the standpoint of women’s lives, particularly marginalized women, leads to more robust objectivity, not only because it broadens the base from which we derive knowledge, but also because the perspectives of “outsiders” or marginalized people may reveal aspects of reality obscured by more orthodox approaches to knowledge-building.13 Designing IR research of use to women involves considerable paradigm shifts. While the role of women as reproducers, caregivers, and unpaid workers has been largely ignored in conventional economic analysis, it is central to feminist concerns. Marilyn Waring has documented how national income data ignore reproductive and caring tasks. She describes the daily routine of a girl in Zimbabwe who works at household tasks from 4am to 9pm but who is officially classified as “economically inactive” or “unoccupied” (Waring 1988: 15–16). Yet national income data, which ignore these reproductive and caring tasks, are used by political elites to make public policy. IR feminists have highlighted the role of domestic servants and home workers; although, since the Industrial Revolution, the home has been defined as a feminine space devoid of work, feminists have demonstrated how women in all their various productive and reproductive roles are crucial to the maintenance of the global capitalist economy (Chin 1998; Pru¨ gl 1999). Making visible that which was previously invisible has led IR feminists to investigate military prostitution and rape as tools of war and instruments of state policy (Moon 1997; Enloe 2000). This leads not only to redefinitions of the meaning of security but also to an understanding of how the security of the state and the prosperity of the global economy are frequently dependent on the insecurity of certain individuals’, often women’s,. In lives bringing to light these multiple experiences of women’s lives, feminist researchers also claim that the research they conduct cannot and should not be separated from their identities as researchers.

Traditional political calculations render gendered violence trivial by seeing it as numerically inconsequential and not worth the political capital. **Enloe 04**

Cynthia Enloe. Professor of International Relations. “The Curious Feminist.” 2004

Thus we need to become more curious about the process of trivialization. How exactly do regimes, opposition parties, judges, popular movements, and the press go about making any incident of violence against women appear trivial? The gendered violence can be explained as inevitable—that is, not worth the expenditure of political capital. Or it can be treated by the trivializers as numerically inconsequential, so rare that it would see wasteful of scare political will or state resources to try to prevent it. Third, trivialization can be accomplished by engaging in comparisons: how can one spend limited political attention on, say, domestic violence or forced prostitution when there are market forces like global competition, structural adjustment, or nuclear testing to deal with – as if, that is, none of those had any relationship to the incidence of violence against women? Finally, trivialization may take the form of undermining the credibility of the messenger. As early as the 1800s, trivializers already were labeling weomen who spoke out publicly against violence against women as “loose,” “prudish,” or “disappointed” (it would be the trivializers’ twentieth-century successors who would think to add “lesbian”).

And standpoint epistemology is the best starting point for moral decisions – other methods exclude some viewpoints, which makes true analysis of reality impossible. **Mills 5**

\*\*Edited for ableist language

Charles Mills, “Ideal Theory” as Ideology, 2005.

The crucial common claim—whether couched in terms of ideology and fetishism, or androcentrism, or white normativity—is that all theorizing, both moral and nonmoral, takes place in an intellectual realm dominated by concepts, assumptions, norms, values, and framing perspectives that reflect the experience and group interests of the privileged group (whether the bourgeoisie, or men, or whites). So a simple empiricism will not work as a cognitive strategy; one has to be self-conscious about the concepts that “spontaneously” occur to one, since many of these concepts will not arise naturally but as the result of social structures and hegemonic ideational patterns. In particular, it will often be the case that dominant concepts will obscure certain crucial realities, blocking them from sight, or naturalizing them, while on the other hand, concepts necessary for accurately mapping these realities will be absent. Whether in terms of concepts of the self, or of humans in general, or in the cartography of the social, it will be necessary to scrutinize the dominant conceptual tools and the way the boundaries are drawn. This is, of course, the burden of standpoint theory—that certain realities tend to be more visible from the perspective of the subordinated than the privileged (Harding 2003). The thesis can be put in a strong and implausible form, but weaker versions do have considerable plausibility, as illustrated by the simple fact that for the most part the crucial conceptual innovation necessary to map nonideal realities has not come from the dominant group. In its ignoring of oppression, ideal theory also ignores the consequences of oppression. If societies are not oppressive, or if in modeling them we can abstract away from oppression and assume moral cognizers of roughly equal skill, then the paradigmatic moral agent can be featureless. No theory is required about the particular group-based obstacles that may block the vision of a particular group. By contrast, nonideal theory recognizes that people will typically be cognitively affected by their social location, so that on both the macro and the more local level, the descriptive concepts arrived at may be misleading. Think of the original challenge Marxist models of capitalism posed to liberalism’s social ontology: the claim that to focus on relations of aparently equal exchange, free and fair, among equal individuals was illusory, since at the level of the relations of production, the real ontology of worker and capitalist manifested a deep structure of constraint that limited proletarian freedom. Think of the innovation of using patriarchy to force people to recognize, and condemn as political and oppressive, rather than natural, apolitical, and unproblematic, male domination of women. Think of the recent resurrection of the concept of white supremacy to map the reality of a white domination that has continued in more subtle forms past the ending of de jure segregation. These are all global, high-level concepts, undeniable abstractions. But they map accurately (at least arguably) crucial realities that differentiate the statuses of the human beings within the systems they describe; so while they abstract, they do not idealize. Or consider conceptual innovation at the more local level: the challenge to the traditional way the public/private distinction was drawn, the concept of sexual harassment. In the first case, a seemingly neutral and innocuous conceptual divide turned out, once it was viewed from the perspective of gender subordination, as contributing to the reproduction of the gender system by its relegation of “women’s issues” to a seemingly apolitical and naturalized space. In the case of sexual harassment, a familiar reality—a staple of cartoons in men’s magazines for years (bosses chasing secretaries around the desk and so on)—was reconceptualized as negative (not something funny, but something morally wrong) and a contributor to making the workplace hostile for women. These realizations, these recognitions, did not spontaneously crystallize out of nowhere; they required conceptual labor, a different map of social reality, a valorization of the distinctive experience of women. As a result of having these concepts as visual aids, we can now see better: our perceptions are no longer [ignorant] blinded to realities to which we were previously obtuse. In some sense, an ideal observer should have been able to see them—yet they did not, as shown by the nonappearance of these realities in male-dominated philosophical literature.

### Part Two is Harms

Loopholes in federal law allow dating partners committing intimate partner violence to retain their guns, causing massive violence against women and queer survivors. **EGS 14**

Everytown for Gun Safety [American nonprofit organization, support efforts to educate policy makers, as well the press and the public, about the consequences of gun violence and promote efforts to keep guns out of the hands of criminals] “Domestic Violence and Guns: Myths and Facts about S.1290.” June 2014.

About S.1290: Current law prohibits certain people who have been convicted of misdemeanor crimes of domestic violence (“MCDVs”) or who are subject to domestic violence restraining orders from possessing guns. But it is still legal for violent dating partners and stalkers to possess guns— even though more women in the U.S. are killed by dating partners than by husbands. S.1290 will close the loopholes that continue to allow stalkers and violent dating partners to lawfully possess guns.  Why federal law should aim to keep guns out of the hands of domestic abusers: Domestic violence continues to be a terrible reality in this country, and each year, more than a million American women are assaulted by an intimate partner. 1  Women in the United States are eleven times more likely to be killed with a gun than are women in other high-income countries.2  The presence of a gun in an [intimate partner] domestic violence situation increases the risk that a woman will die by 500 percent. 3  According to a 2010 study in the Journal of Injury Prevention, states that restrict access to guns for restraining order subjects see a 25 percent reduction in intimate partner gun homicides.4  Background checks work to keep guns out of the hands of domestic abusers: Since 1998, the background check system has blocked at least 300,000 sales to people prohibited from buying guns due to MCDVs or domestic violence restraining orders.  About the Misdemeanor Crime of Domestic Violence prohibitor: This prohibitor was added to federal law in 1997.  Dating partners who are “similarly situated to a spouse” and are convicted of an MCDV are already prohibited from possessing guns. Nothing in S.1290 alters this language.  Myth: Opponents claim that the U.S. Supreme Court “read out the ‘violence’ component” of MCDVS in a recent decision.  Fact: The Supreme Court recognized that Congress wrote the MCDV prohibitor broadly to include domestic abusers convicted of any violent offense—regardless of the degree of violence.  State Laws: Most states recognize the danger of abusive dating partners: 42 states and the District of Columbia allow dating partners to seek domestic violence protective orders against their abusers.  What S.1290 would do:  Myth: Opponents claim that by extending the MCDV prohibitor to include abusive dating partners, S.1290 would include relationships described with “expansive and vaguely defined…terms.”  Fact: The dating relationships covered by S.1290 are not vaguely defined. In fact, the language in S.1290 defining dating relationship exactly mirrors the language of the Violence Against Women Act. S.1290 will put the federal gun laws in line with the rest of federal law combatting violence against women.  Fact: In 2013, more than two-thirds of Congress voted to reauthorize VAWA, affirming the inclusion of the same relationships covered in S.1290 Myth: Opponents claim that by extending the federal gun prohibitors to abusive dating partners, S.1290 would effectively extend the reach of the law beyond domestic abuse (“read[ing] out” the word “domestic” from “domestic violence”).  Fact: S.1290 includes a definition of ‘dating relationship’ that cabins the bill to incidents of real domestic abuse while confronting today’s reality of domestic violence.  Fact: The proportion of intimate partner homicides committed partners has risen steadily, and more women are now killed by dating partners than by husbands.5  S.1290 would close this loophole by prohibiting offenders convicted of abusing their intimate partners, regardless of whether they are married to their victims.  Myth: Opponents suggest that extending the federal gun prohibitors to abusive dating partners would be unreasonable because male partners would be covered.  Fact: Intimate partner violence is also a problem in same-sex relationships, and keeping guns out of the hands of violent same-sex dating partners is no less important than for heterosexual dating partners.  Fact: In 2011, one-third of same-sex intimate partner homicides were committed with guns.

**Thus, the plan:** The United States federal government ought to ban the private ownership of handguns for individuals convicted of misdemeanor-level stalking crimes as well as for individuals who are convicted of any state or federal misdemeanor that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a non-cohabitating dating partner. **McDonough 15**

Katie McDonough [Staff writer at Fusion, an ABC-Univision Joint-Venture], "How a Law With Two Missing Words is Letting Domestic Abusers Buy Guns," Fusion, September 21, 2015.

This glaring gap in policy was raised last week by Democratic presidential candidate Martin O’Malley, who rolled out a gun policy platform that included closing the “boyfriend loophole” as well as other things like universal background checks and restrictions on concealed carry. From the O’Malley fact sheet: O’Malley supports the proposed federal legislation that would close this loophole, providing critical protections for women who are targets of dating violence. O’Malley also supports provisions that prohibit anyone convicted of stalking from owning a gun. The legislation O’Malley is talking about has bipartisan support in Congress, but, like so many other gun reform measures, the bills haven’t advanced an inch since being introduced. The House version of the bill—the Zero Tolerance for Domestic Abusers Act—was introduced in July by Michigan Democrat Debbie Dingell and Illinois Republican Robert Dold. It still hasn’t received a hearing or a vote. In a statement to Fusion, Dingell emphasized the bipartisan nature of the bill: “We disagree on a lot of things in Washington, but we all agree that no woman and no child should ever live in fear because of domestic violence. The bipartisan Zero Tolerance for Domestic Abusers Act makes commonsense updates to our laws to protect victims of domestic abuse and stalking from gun violence and, ultimately, save lives.” In the Senate, Democrats introduced the Protecting Domestic Violence and Stalking Victims Act of 2013, but the bill never left committee. (The bill has been reintroduced as the Protecting Domestic Violence and Stalking Victims Act of 2015.) Both versions of the legislation would do the same thing: expand the Brady Handgun Violence Prevention Act to protect people in dating relationships by adding the words “dating partners” to the existing provision on [intimate partner] domestic violence. This small change—just adding two words—would ban convicted abusers in dating relationships from owning guns, same as their married counterparts. The fix is that simple, which is part of why it’s so absurd that it hasn’t happened yet.

### Part Three is Solvency

The plan empirically disrupts the power dynamic and removes guns from abusers and doesn’t cause a substitution effect. **Mascia 15**

Jennifer Mascia [Editorial assistant in the editorial department of the New York Times, contributor to The Gun Report, gun violence project], "Domestic Violence Offenders Abusers Frequently Get to Keep Their Guns. Here Are the Big Reasons Why.," Trace, October 26, 2015.

A handful of states and cities have moved to close this gap in federal law with their own relinquishment requirements. Ten states mandate domestic violence misdemeanants hand over their guns, while 15 states require subjects of domestic violence restraining orders to do so. (Similar federal legislation was introduced in 2014 but did not pass.) Research shows that gun surrender laws have been successful: One 2009 study study found that cities in states with relinquishment laws had 25 percent fewer domestic gun homicides compared to cities in states without them. In the 2013 book Reducing Gun Violence in America, Shannon Frattaroli and April M. Zeoli found that “would-be killers do not replace guns with other weapons,” and concluded that restricting firearms access for domestic abusers can save lives. “We know that most domestic violence homicides happen with firearms, and their presence increases risk of homicide,” Krista Niemczyk, policy manager at the California Partnership to End Domestic Violence, tells The Trace. “The impact firearms have on the level of abuse is really staggering.”

The current loophole is predicated on archaic definitions of dating relationships that marginalize non-traditional relationships. **Welch 16**

Liz Welch. 2/10/16. “It's Time to Talk About What Guns Have to Do With Dating.” Cosmopolitan.

Despite NRA opposition, there are increasing efforts to close the private-sale loophole. In January, President Obama moved to expand checks by requiring anyone who sells large quantities of guns to become licensed. And 18 states have gone further than federal law, requiring that all handgun sales be run through various state and federal databases. In those states, Avore says, 46 percent fewer women are shot to death by intimate partners. Still, without a national solution, criminals remain able to buy guns from a state with weak laws and bring them to states with stronger ones. (Ninety percent of weapons police recover after gun crimes in NYC come from out of state, notes Avore.)¶ Current rules also leave intact the so-called boyfriend loophole. "Single women aren't as protected," Stewart says. "If your boyfriend abuses you but does not live with you or have a child with you, then that abuse is not defined as [intimate partner] domestic violence." He would get a misdemeanor assault conviction, but it would not be entered into the background-check database. In short, your boyfriend could be arrested for hitting you one day and still legally buy a gun the next.¶ Since the early 1990s, when the Brady background-check law was written, relationship demographics have changed. Women wait to get married or decide not to marry. They may live on their own, have more than one boyfriend, or date both women and men. "Changing the federal law to include all partners is the first step toward protecting young women," says Stewart.¶ Nine states and Washington, D.C., have recognized dating partners in the definition of domestic violence. In Congress, Senator Amy Klobuchar (D-MN) and Representative Debbie Dingell (D-MI) have drafted bills (and have both found Republican co-sponsors) that would address the loophole. "It's a pretty simple fix," Avore explains. "Just add 'boyfriend' to the definition."¶ The word "stalker" should be added too. "Right now, people convicted of misdemeanor stalking can still buy guns," says Marium Durrani, the public policy attorney at the National Network to End Domestic Violence, "and stalking is most often an intimate crime. It could be someone you worked with or dated."¶ Jitka Vesel, a 36-year-old translator in Chicago, met the man who would become her stalker through the online video game World of Warcraft. Dmitry Smirnov, 26, was a fellow immigrant from Eastern Europe. He had settled in British Columbia, Canada, where he was a college student. After befriending Vesel online in 2008, Smirnov mentioned he would be touring the States that winter. She invited him to stay with her family in Chicago for Christmas.¶ Theresa O'Rourke, Vesel's best friend since childhood, barely recalls meeting him that holiday. "He was a quiet, geeky sort of guy," she says. "He was not her boyfriend, but he wanted to be."¶ When Smirnov returned to Canada, he began to send incessant emails and texts, according to a harassment report Vesel filed with police in Illinois. Vesel asked him to stop. When he wouldn't, O'Rourke says her friend stopped engaging entirely. "She changed her telephone number and contacted the game people so he couldn't contact her there anymore," O'Rourke says. Because he was Canadian, her local police suggested she call the authorities there. She did, according to Benjamin Kadolph, a sergeant with the Oak Brook Police who worked on the case.¶ That did not stop Smir nov from entering the United States in April 2011. Smirnov found a .40 caliber Smith and Wesson handgun for sale on Armslist.com and arranged to collect it in Washington, court records show. The seller, Benedict Ladera, later admitted to the police that he knew Smirnov was not a U.S. resident. In fact, he pocketed an extra $200 because of this.¶ Smirnov paid a homeless man to buy him ammunition and drove to Chicago. He secretly stalked Vesel for a week, and even put a GPS device on her car, before approaching her in the parking lot of her workplace. He shot her 11 times.¶ O'Rourke was so angry that Smirnov had been able to buy a gun that she reached out to the Brady Campaign to ask what she could do. The group worked with Vesel's brother to file a lawsuit against Armslist.com. "When Jitka got her citizenship, she was so proud!" O'Rourke says. "I was pissed because America failed her. We need to take violence seriously. I don't ever want to hear 'Well, if she had a gun.' Her having a gun was not going to save her life. His not getting one would have."¶ Smirnov pleaded guilty to stalking and murder, and was sent to prison for life. That did not bring O'Rourke peace. Nor did the criminal case against Ladera, who also pleaded guilty and was sentenced to a year in prison. "I believe this weighs heavily on him," she says, "but I have not found forgiveness. His bad choices led to my friend's death."¶ The Armslist lawsuit failed in court, but it was the first of its kind, landing coverage in the New York Times. One day later, Adam Lanza stormed Sandy Hook elementary school and killed 26 people and himself.¶ It is horrifying acts like these — in Newtown, Charleston, San Bernardino, and too many others to bear — that we think about when we use the term 'gun violence.' Yet it is much more likely for a woman to be killed by her partner in this country than by a loner with mental illness or a jihadist attack. When Everytown analyzed all the mass shootings since 2009, the majority were domestic-violence related. And the group found that in states that require background checks, there are fewer mass shootings.¶ Finding ways to keep guns out of the hands of abusers — particularly in the danger period right after a breakup — should be our urgent priority, says David Adams, author of Why Do They Kill? Adams is the co-founder of Emerge, an abuser intervention program, and has spent 30 years working with and interviewing men who hurt women. "People say, 'If he didn't kill her with a gun, he would have killed her anyway,'" Adams says. "For my book, I asked all the killers I interviewed, 'Would you have killed her if you did not have a gun?' Eleven out of 14 killers said absolutely not."

Closing the loophole is a stance against the law that intentionally shuts out non-gender conforming groups. **Finley 89**

Finley, Lucinda. "Breaking Women 's Silence in Law: The Dilemma of the Gendered Nature of Legal Reasoning." Yale Law School. 1989. Accessed April 20, 2016. http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=5010&context=fss\_papers.

Because legal reasoning and the language by which it is expressed have the power to construct and contain individual and cultural understandings of situations and social relationships, they can inhibit change. In light of this power, those who seek to use law to help empower and positively change the status of a group such as women must, in their theory and practice, be concerned with the origins, nature, and structure of legal language and legal reasoning. To tame the beast you must know the beast. Thus, a crucial project for feminist jurisprudence must be to ask constantly and critically who has been involved in shaping law, in selecting and defining its terms, and in deciding what is and is not one of those terms. Whose understandings, philosophy, and world view are imprinted on law? Consequently, how neutral and how inclusive is the structure of legal reasoning? I regard this critical inquiry into the nature of legal reasoning and language as a connecting bridge between the supposedly dichotomous worlds of theory and practice. Feminist jurisprudential theory can inform lawyers concerned with using law to achieve equality and autonomy for women-and with infusing law with more of women's (and more wo-men's) understanding(s) of these contested terms. The insights offered by feminist theory into epistemology and the patriarchal nature of law, and its conclusions about the pros and cons of appropriating existing legal meanings and trying to make the unchanged terms fit women's experiences, can provide creative guidance to lawyers. Feminist theorists who are interested in epistemological issues, in power and the way it is perpetuated, and in deconstructing dichotomies such as equality/difference that seem to disempower women, can gain insight from the experiences of feminist lawyers. At times, these lawyers have found themselves constrained by the power of legal discourse and have tried to alter the meaning of legal terms, such as sex discrimination, self-defense, and rape. At other times these lawyers have used successfully liberal legal frameworks such as "arguing about equality means arguing about sameness/difference." Those of us who practice and think law primarily by writing and teaching about it, as well as those who practice and think law primarily by litigating, lobbying, counseling, and negotiating about it, must reflect about what it is that we are buying into when we use the existing terms of law and wholly accept the existing constructs of its reasoning. How will the legal language shape, confine, constrain, or direct our aspirations and our understandings of our situation? Will the existing terms and their embedded meanings inescapably cabin or undermine our goals? This is a necessary subject of reflection if we are to deal with why it seems to be so hard for women to fit their experiences within legal language. Why do so many efforts to use existing legal terms and doctrines, such as equality, privacy, discrimination, and civil rights, wind up being unsuccessful? 20 Why do those efforts sometimes lead to perverse unanticipated results? 2' Why on other occasions do they get us into stalled or circular debates, such as "equal treatment/special treatment," 22 or "regulate pornography/protect the first amendment," 23 that do not capture either the nature of the problem to be addressed or the shared goals and concerns of many of the debaters? If we do not think about what produces the frequent sense of one step forward-two steps back when we try to use law to affect change for women, but just go on grabbing at the existing language, we are unlikely to tap any positive potential in law as a source of beneficial social change for women or other disempowered, silenced, marginalized people.

The AFF is a step away from traditional feminist scholarship that only recognizes IPV in straight relationships. **Cannon et al 15**

Clare Cannon , Katie Lauve-Moon 2, and Fred Buttell, Re-Theorizing Intimate Partner Violence through Post-Structural Feminism, Queer Theory, and the Sociology of Gender, Soc. Sci. 2015, 4, 668–687; 2015.

Intimate partner violence (IPV) scholarship in the U.S. has primarily focused on heterosexual male offenders and heterosexual female victims [1–5]. In this article, we focus on the U.S. context (e.g., the cultural, political, and linguistic milieu). We use the term intimate partner violence as defined as the use of physical violence, sexual violence, stalking, and/or psychological aggression by a current or former intimate partner [6]. Here, we are principally concerned with patriarchal terrorism (see [7]) as it possibly occurs in same-sex relationships. We understand that the multidimensional construct of abuse subsumes physical violence but also includes relationship control tactics like intimidation, coercion, manipulating children, economic abuse, etc. We also acknowledge the ways family violence and feminist scholars have understood violence. The former view violence in intimate relationships as bi-directional and neither coercive nor controlling (see [8]), while the latter see it as heterosexual violence directed by men at their female intimate partners to maintain power and control over them (see [9]). Johnson’s seminal work [7,10,11] shows the definitional difference between feminist and family scholars by positing that each were talking about two mutually exclusive, non-overlapping phenomena. He asserted that the family violence scholars were targeting for understanding what he termed “common couple violence”. This occurs between two partners in a relationship with relatively equal power. In these cases, neither party feels scared or threatened by the other party, nor is the violence perceived as coercive or controlling. Johnson claims this is the type of violence captured in national surveys and community samples where the family violence scholars find relatively equal rates of violence perpetration between men and women (see for a comprehensive review [12,13]). In contrast, Johnson described the kind of violence found in criminal justice samples and in studies involving women in DV shelters as “patriarchal terrorism”. This is the type of violence more typically viewed as “domestic violence” where the man is directing the concept of “multidimensional abuse” described above towards his female intimate partner with the goal of controlling and dominating her. Such a view comes to dominate the predominant feminist paradigm within the U.S. context. The predominant feminist paradigm in the U.S. for IPV—that men abuse women as an extension of patriarchy in order to assert power and control (e.g., [14–18], see for extensive analysis [19])—has proved invaluable in unveiling the patriarchy present in domestic relationships and de-normalizing men assaulting their wives. Although not the only feminist approach within this field, this prevailing paradigm in U.S. research, proving very useful in explaining why men abuse women in opposite-sex relationships, influenced a number of policies (e.g., the Violence Against Women Act) to outlaw such forms of IPV and to prioritize certain treatment interventions (e.g., Duluth model) over others. In the wake of these policies, recent research has begun to show that in the U.S., instances of IPV appears to be bidirectional, meaning both partners participate in some sort of violent behavior (e.g., physical violence, stalking, psychological aggression, etc.). This point as addressed above is hotly contested within the field, therefore, see for a comprehensive review [12]. Moreover, scholars have found that women can initiate violence almost as often as men in heterosexual relationships [4,13,14]. Even less scholarship has focused on IPV in Lesbian, Gay, Bisexual, Trans\*, Queer relationships, but the little empirical work that exists has found that IPV occurs at rates similar to or greater than heterosexual couples [20–25]. Similar to traditional feminist approaches’ focus on the consequences of IPV for victims and perpetrators, by applying poststructuralist feminist, queer, and sociology of gender theoretical approaches we seek to highlight the meanings, context, and impacts of violence in order to better identify responses needed to address such abuse. Furthermore, in adding to existing feminist scholarship and in using these perspectives we aim to show ways in which gender and sexuality are constitutive of dynamics, not just outcomes, in instances of IPV (see for example [26]). To this end, we begin with a discussion of poststructuralist conceptualizations of power, how it differs from traditional feminist formulations of power, and how such understandings of power can inform scholarship on the problem IPV with an eye towards developing more adequate policy proscriptions and treatment interventions. From here, we apply sociology of gender to the problem of IPV to show the ways that different articulations of masculinities and femininities inform the ways violence is deployed and experienced at the individual, interactional, and structural levels of analysis. In utilizing these perspectives to better understand occurrences of IPV, specifically perpetration by female offenders in heterosexual relationships and occurrences of IPV within same-sex relationships, we aim to add to previous scholarship and to work towards future developments of more informed models of interventions and more effective policies concerning IPV perpetrators and victims.

The plan is empirically effective – it reduces homicides and background checks are successful. **DS 15**

Ruth Glenn of the National Coalition Against Domestic Violence (The National Coalition Against Domestic Violence (NCADV) has worked for more than thirty-five years to address the issue of domestic violence and violence against women. NCADV works developing and influencing policy at the national level; assisting shelters and programs (nationwide) with programming and projects, and offering supportive programs to victims of domestic violence), Overcoming The Domestic Violence Gun Law Gotcha, Domesticshelters.org, 2015.

It’s one of those laws that would save lives if enforced regularly but, for myriad reasons, often flies under the radar of local law enforcement. Under the 1996 Lautenberg Amendment or Domestic Violence Gun Ban, which amends the Federal Gun Act of 1968, persons convicted of a felony or domestic violence misdemeanor, or who are subject to a domestic violence protective order, are prohibited from possessing guns. That said, each state maintains their own individual laws—some more lenient, others stricter, but all must abide by the basic federal law. Unfortunately, most states do not have a mandatory state process in effect requiring offenders to surrender their guns. As of last year, 41 states did not have such laws in place. One of those states is Texas, namely Dallas County. The Dallas Morning News found that offenders weren’t properly informed on how to obey the law and no follow-up appointments were happening. In one devastating situation, a 27-year-old man who had a family violence protective order against him killed a 28-year-old woman who was eight months pregnant with their child, using a gun he wasn’t legally permitted to have. Neither mother nor baby survived. But as of early May, Dallas County is getting on track with the implementation of a new program which requires individuals convicted of a domestic violence crime or under a restraining order because of domestic violence, to turn over their firearms at a local gun range or give them to an approved third party. While laws alone will not entirely solve the problem of abusers using guns against their victims, the laws have been proven to make a difference. For instance, in states where background checks are required for handgun sales, 38 percent fewer women have been shot to death by an intimate partner, according to the Federal Bureau of Investigation. One wonders if the change in Dallas County was prompted by a spike in domestic violence deaths in 2013 that brought that region to the top of the list for highest number of women killed by intimate partners. Twenty women died that year at the hands of their partners. South Carolina, also one to not largely enforce the Domestic Violence Gun Ban, has recently been trying to turn things around. The legislature just passed a bill that enforces tougher penalties for domestic violence crimes and bans gun ownership for 10 years. This is welcome news for a state that’s been ranked No. 2 in the country for women murdered by intimate partners. But it’s not all settled yet—Governor Nikki Haley has yet to sign it. You can help protect South Carolina and show your support of the bill by filling out this form. “There will always be ways for people to sidestep laws. However, that doesn’t mean we shouldn’t work to improve the laws and the process, because data shows enforcement makes a difference in saving lives,” said Ruth Glenn, executive director of National Coalition Against Domestic Violence. “In addition to the states carrying through on the federal law, the laws prohibiting possession need to expand to include those convicted of stalking and dating abuse.” The U.S. Department of Justice reports that dating partners are now responsible for the majority of intimate partner homicides, when compared to spouses. While some will debate this topic for various perspectives, the facts about the role of guns in escalating [intimate partner] domestic violence are indisputable. The presence of a gun makes it five times more likely domestic violence will become murder. Domestic violence assaults involving a gun are 12 times more likely to result in death than those using other weapons or bodily force. In 2011, nearly two-thirds of women killed with guns were at the hands of intimate partners.

Substitution effect theory is false – multiple warrants. **Dixon 93**

Dixon, Nicholas. "Perilous Protection: A Reply to Kopel." . Louis U. Pub. L. Rev. 12 (1993): 361.

Despite his energetic attempts to deny my argument that the high handgun ownership rate in the United States is a cause of its high handgun homicide rate,81 Kopel elsewhere concedes that "lower handgun density may, arguably, be associated with lower numbers of handgun homicides."82 Perhaps his point is that, while he believes that I have failed to prove this causal connection, it may well exist anyway. However, he insists that lower ownership rates would not necessarily reduce the overall homicide rate." In so doing, he rests his case squarely on the substitution theory that any drop in handgun homicide rate would be outweighed by an increase in homicide by other means.' Since substitution theory is put forward by opponents of handgun prohibition, the burden of proof is on them to support it. They have persistently failed to meet this burden, offering only spec- ulations based on surveys.' Kopel's first defense of substitution theory begins with the fact that Switzerland has far more lenient handgun laws and a far higher handgun homicide rate than Australia and Canada.86 However, he points out that Switzerland's overall homicide rate is less than 8 half that of the other countries. Kopel argues that the reason for the higher overall homicide rate in Australia and Canada might be that assailants in those countries turned to more easily available, and more lethal, long guns.8 Of course it might be! But since Kopel offers no evidence to support this speculation, not even long gun homicide rates in these countries, it can hardly be considered as a vindication of substitution theory. In my original paper, I attack substitution theory on the grounds that (1) the only evidence offered that the level of substitution necessary to increase the homicide rate would occur is prisoner surveys 89 ; and (2) the difficulty of concealing either regular or sawed-off long guns makes widespread substitution unlikely. Kopel's reply to my first objection is that prisoners might not be as unreliable as I make them out to be.9' Even if he is right, whether they are representative of handgun owners in general is doubtful. Moreover, even if they are representative, responses to surveys are flimsy evidence indeed for predicting actual behavior, especially when deciding a social policy issue of such great importance. He then tries to show that the relative inconvenience of long guns for crime does not disprove substitution theory.9' He grants that, when both handguns and long guns are available, criminals prefer to use handguns. But if they are banned, they are likely to turn to the next best thing: long guns. First of all, this amounts to a restatement of substitution theory, rather than a new argument for it. One of my original objections was precisely that the relative inconvenience of using long guns will cause many potential violent criminals to simply change their careers if handguns are banned. But let us assume that some people are so hell bent on violent crime that they will upgrade to long guns (perhaps sawed-off) if handguns are prohibited. We can even assume for the sake of argument that enough of these people would cross the 30-40% threshold of substituting long guns for handguns that would supposedly increase the overall homicide rate.94 This is where a deeper weakness in substitution theory, which I did not address in my first article, becomes relevant. The substitution threshold percentage cited by Kopel is so often invoked by opponents of handgun prohibition that it has acquired the air of indisputable fact. It is time to question the threshold percentage, which is actually an estimate by Benenson and Kates based on the greater lethality of long gun wounds as compared to those inflicted by hand- guns. If homicide were like target practice, long guns would clear- ly be the weapon of choice. In reality, of course, potential homicide victims are not like inanimate targets at shooting ranges. Both potential victims and passers-by are likely to realize the danger and take evasive action as soon as they see the long gun, whereas a handgun can be concealed literally until the second it is fired. In other words, the absence of the factors which cause handguns to be the weapon of choice of violent criminals-especially concealability and ease of "rapid draw"-is likely to minimize the success of long gun attacks. The greater lethality of long gun wounds must be weighed against the greater difficulty in inflicting the wounds in the first place. Consequently, the threshold percentage which is assumed by proponents of substitution theory is groundless. Kopel concedes that the difficulty of concealing long guns will prevent some shootings. However, he disputes my claim that the greater concealability of handguns facilitates even shootings in the home.96 He accuses me of making unwarranted assumptions that long guns will be kept unloaded in another room from the one where the shooting occurs, that handguns will be loaded and carried on the body of the shooter, and that victims will be unaware that the mur- derer is carrying a handgun.97 Actually, I make no assumption that these contingencies are always the case, and I merely state, in re- sponse to Kates and Beneson, that "the 'surprise factor' peculiar to handguns can still apply even in the home."9S As I have said before, substitution theory is advanced by op- ponents of handgun prohibition. The burden remains on Kopel and other proponents of the theory to prove it, by showing that the use of long guns in the home and elsewhere would be sufficient to sur- pass the substitution threshold percentage. Even if he were to find such evidence-and the surveys he cites do not suffice-the objec- tion I have raised to the threshold percentage itself indicates a fatal weakness in Kopel's defense of substitution theory. Given the cen- trality of substitution theory to Kopel's case," his failure to substan- tiate it is very damaging to his argument against handgun prohibition.

Handguns are uniquely problematic for IPV. **Dixon 93**

Nicholas Dixon [Chair and Dykstra Philosopher at Alma College, Ph.D. and M.A. in Philosophy from Michigan State University]. Why We Should Ban Handguns in the United Staets. 12 St. Louis U. Pub. L. Rev. 243 1993.

Bracketed for insensitive language

One has to doubt the reliability of the statements of prisoners as to what firearms they would carry in certain circumstances. Macho bragging and outright lying are very likely in such situations, and relegate Kleck's projections to the status of unsupported conjecture. In view of the fact that such a small percentage of the actual mur- ders in the United States in 1990 were committed with long guns,' the burden on Kleck to prove his hypothetical speculation is even heavier. As for Kates and Benenson, their projections are based on the unsupported assertion that the 70% of handgun killers who do not turn to long guns would instead use knives, the most lethal weapon other than firearms. It is more probable that at least some potential murderers would turn to less lethal weapons or their bare hands, and that some would be deterred from assaults altogether. Since Kates and Benenson ignore these probable scenarios, and since their substitution predictions are in any case purely speculative, it is safe to conclude that their estimate of the increase in the homicide rate in the event of a handgun-only ban is inflated. The conjectures offered in support of the substitution hypothesis are inadequate and fail to meet the burden of proof encumbent on opponents of my proposal.¶ Another reason to doubt that long guns would be used in great numbers to replace handguns in robberies, assaults, and homi- cides is that long guns are obviously much more difficult to conceal. A potential mugger roaming the streets wielding a long gun will cause everyone in sight to flee, and is likely to be quickly arrested¶ when alarmed people call the police. Similarly, a bank robber car-¶ rying a long gun will be immediately detected by security guards,¶ alarm systems will be triggered, and the chances of a successful¶ robbery greatly diminished. Handguns are obviously much more convenient for the commission of such crimes. Kates and Benenson point out that most homicides occur in the home, where concealability is “irrelevant.” 95 However, concealability would seem to be an important factor even in the home. Since the victim may well be unaware that the killer is carrying a concealed weapon, the “surprise factor” which is peculiar to handguns can still apply even in the home. In contrast, people can hardly be unaware that the person they are with is carrying a shotgun or rifle. Moreover, in any argument or domestic quarrel, regardless of whether the potential victim knows that the assaulter is carrying a handgun, the ease of pulling out the gun and shooting makes such arguments more likely to spill over into murder. In contrast, by the time the assaulter has gone into another room to retrieve their long gun and loaded it, the [survivor] potential victim has crucial seconds in which to escape.

**And,** IPV prevents any sort of larger social movement – control over a person’s identity fractures the potential for collective resistance. **O’Doherty 15**

O’Doherty, Lorna Jane [Ph.D. in Applied Psychology, Coventry University], et al. "Fractured Identity in the Context of Intimate Partner Violence Barriers to and Opportunities for Seeking Help in Health Settings." Violence against women (2015).

IPV produces fear and self-doubt; it threatens a person’s life goals, safety, and even¶ survival; and it is associated with lost agency and ability to control the world (Liang¶ et al., 2005; World Bank, 2012). Evaluative dimensions of self-concept, that is, notions¶ of self-worth and self-esteem (Fleming & Courtney, 1984) underlie self-efficacy and¶ have been shown to relate to abused women’s capacity to escape violence (Cluss et al.,¶ 2006). Although studies have reported on ways in which IPV “spoils” women’s identities¶ and is damaging to self-concept (Hague, Mullender, & Aris, 2003; Moss, Pitula, Campbell, & Halstead, 1996), the effects of IPV on the different dimensions of identity¶ outlined above have not been explored in any systematic way. Furthermore, it¶ appears from the literature that social identity theory (Tajfel, 1981) has not been¶ applied in exploring the impacts of IPV on women’s lives.¶ Applying Brewer’s (2001) framework to the IPV literature suggests ways in which¶ social identities are invoked where IPV is present. Undermining aspects of the personbased¶ social identity is a hallmark of emotional abuse whereby deeply integrated and¶ personal aspects of the victim’s concept of self are targeted (Stark, 2007; Williamson,¶ 2010). Individuals also self-define (and evaluate themselves) in the context of their¶ relationships with significant others and based on their performance of role relationships¶ (Breckler & Greenwald, 1986). Thus, it is unsurprising, given the evaluative¶ context of the intimate relationship, that abused women often report a sense of failure¶ (Waldrop & Resick, 2004). Unreasonable expectations set by the perpetrator make it¶ virtually impossible to “succeed” in the partner role (Williamson, 2010). The violence¶ may also target directly other relational social identities. Herman describes how the¶ most destructive tactics violate women’s basic human attachments (Herman, 1992). At¶ the group level of self-representation, evaluation of the collective self-concept involves¶ intergroup comparison. Here, one strives to associate with groups that are valued and¶ confer benefits for self-esteem (Smith & Tyler, 1997). In the context of an abusive¶ relationship, social participation may be restricted, leading to lost opportunities to derive the benefits of group connections (Liang et al., 2005). Regarding the collective¶ identity, IPV may lead to lost identification with a collective (e.g., religion through¶ spiritual abuse) or identification with an emergent collective of “abused women”¶ (Crawford et al., 2009). Thus, balancing the risks and benefits of disclosing and getting¶ help is an ongoing process for women, with implications for social identities even¶ after they have escaped the violence. Analysis at these different levels of identity may¶ offer further understanding of the barriers facing women in finding pathways to safety.

The specific lived experiences of survivors are more important than vague, large-scale social claims. **Denzin 84**

Denzin, Norman K [Distinguished Professor of Communications, College of Communications Scholar, and Research Professor of Communications, Sociology, and Humanities at the University of Illinois, Urbana-Champaign.] "Toward a phenomenology of domestic, family violence." American journal of sociology (1984): 483-513.

Within this setting all the dynamics of living together in a small, heterosexual¶ group are played out, producing a simultaneous confusion in¶ the realms of patriarchy, intimacy, service, and interaction. This domestic¶ order is the arena for the clash of social selves and the display of raw¶ emotionality that erupts into violence. The violence that is woven¶ through the structures of this family is an enduring form of relational¶ interaction that is fixed in the social settings of the home. Violent episodes¶ flow into one another, constituting a field of violence that sets itself in¶ front of the family members as a coefficient of adversity, or obstacle to¶ action, often self-imposed, and self-defined (Sartre [1943] 1956, pp. 488-¶ 89), although it derives its origins from external structures. These structures¶ of violent experience are cyclical and assume an autonomous existence¶ in the life of the family. They are seen as causing the violence that is¶ experienced. As the family moves through the phases of tension toward¶ violence and violent outbursts and then into calm, intimate interaction,¶ personal responsibility for the violence is neutralized in the face of these experiential structures (Walker 1979, p. 55). Bad faith (Sartre [1943]¶ 1956, pp. 55-66), which accompanies the act of denial when violence first¶ appears or when it erupts again, secures violence as a potentially permanent¶ feature of daily family life.¶ I will examine this thesis from the standpoint of a critical, interpretive¶ phenomenology which stresses the place of emotionality, the self, and¶ interaction processes in the generation of interpersonal, domestic violence.¶ Briefly stated, my critical phenomenology assumes that the phenomenon¶ of violence must be examined from within; that although structural processes (economic, legal, religious, cultural, ideological) influence and shape family violence, their meanings are filtered and woven through the lives of interacting individuals, each of whom is understood to be a¶ universal singular, embodying in his or her lifetime the forces, contradictions,¶ and ideologies of a particular historical moment (Sartre [1971] 1981,¶ p. ix; Merleau-Ponty 1955; Engels [1884] 1962; Denzin 1984a; Marx¶ [1852] 1983, p. 287). The violence that each family of violence makes and¶ experiences has been made and experienced before. It is not purely spontaneous,¶ made under conditions freely chosen. Rather, it is produced and¶ experienced in situations which have been "given and handed down to¶ them . . . from . . . countless dead generations," also the victims of a¶ violent past that was inherited (Marx [1852] 1983, p. 287). The raw,¶ skeletal, obdurate features of social structures and lived history thus set¶ the stage for domestic violence, which must then be studied through¶ thick, phenomenological descriptions of lived violence (Geertz 1973; Denzin¶ 1984a; Loseke 1983; Loseke and Cahill 1984).

IPV is perpetuated by a lack of education – educational spaces must condemn IPV to start prevention – this has tangible impacts. **Wolfe and Jaffe 99**

Wolfe, David A. [Research Professor and Scholar, Western University], and Peter G. Jaffe [Peter Jaffe is the Founding Director (1975-2001) and Special Advisor on Violence Prevention of the Centre for Children and Families in the Justice System of the London Family Court Clinic; member of the Clinical Adjunct Faculty for the Departments of Psychology and Psychiatry at the University of Western Ontario; former chair of the Board of Directors of the Battered Women's Advocacy Centre; and past Chairperson and a founding board member of the Board of Directors for the Centre for Research on Violence Against Women and Children. He gives presentations on violence and facilitates over 50 workshops a year for teachers, students, lawyers, judges, police, doctors, clergy and various community groups. Dr. Jaffe is the recipient of many awards and grants, author of numerous research articles, and co-author of four books dealing with children exposed to domestic violence]. "Emerging strategies in the prevention of domestic violence." The future of children (1999): 133-144.

This perspective suggests that domestic violence **[IPV] is learned behavior that is modeled, rewarded, and supported by** families and/or the broader **culture**. Analyses based on this theory focus on the ways children learn that aggression is appropriate to resolve conflicts, especially within the context of intimate relationships.11 Researchers have found that batterers are much more likely to have had violent fathers than are nonbatterers.12 Developmental research shows that early intervention with children from violent households may restore normal developmental processes, such as empathy and selfcontrol, and minimize the risk of further harm caused by exposure to abusive adult models.13 Societal Structure Theory According to this view, domestic violence **[IPV] is caused by an underlying power imbalance that can be understood only by examining society as a whole. The analysis focuses on patriarchy** or male domination **over women and children through** physical, economic, and **political control.** Domestic violence **[IPV] reflects** women’s **inequality** in the culture **and** the **reinforcement** of this reality **by various institutions.**14 Commonalities Across Causation Theories Despite the diversity of views regarding the underlying causes of domestic violence, there are some beliefs common to all these theories. They include: (1) that domestic violence **[IPV] has been ignored as a major social problem** until recently and remains poorly understood;15 (2) that domestic violence is a complex problem impacted by multiple variables;16 (3) that childhood trauma, either through exposure to violence or some other trauma, influences the likelihood of domestic violence;17 and (4) that **as long as** domestic violence is condoned as **[its] accepted behavior by** public attitudes and **institutions, there is little chance of preventing it** involves attempts to minimize the course of a problem once it is already clearly evident and causing harm**. Primary prevention strategies can introduce to particular population groups new values, thinking processes, and relationship skills** that are incompatible with violence and that promote healthy, nonviolent relationships. For example, resources can be used to focus on respect, trust, and supportive growth in relationships.19 **These efforts can be** targeted at populations that may be at risk for violence in their intimate relationships but who have not yet shown symptoms of concern, or they can be directed universally at broad population groups, such as school-age children or members of a particular community. In contrast to a population-based focus, secondary prevention efforts in domestic violence address identified individuals who have exhibited particular behaviors associated with domestic violence. An example of secondary prevention is a clear protocol for the way teachers can assist students who have discussed witnessing domestic violence in their homes but who do not show serious signs of harm.20 Tertiary prevention efforts are the most common and emphasize the identification of domestic violence and its perpetrators and victims, control of the behavior and its harms, punishment and/or treatment for the perpetrators, and support for the victims. Intensive collaboration and coordinated services across agencies may be vital in tertiary prevention efforts to address chronic domestic violence and to help prevent future generations of batterers and victims. However, tertiary efforts can be very expensive and often show only limited success in stopping domestic violence, addressing long-term harms, and preventing future acts of violence.21 Table 1 uses the primary, secondary, and tertiary prevention paradigm to categorize a broad range of domestic violence prevention strategies. Several of the strategies mentioned in the table are described in greater detail in the following section, which discusses innovative primary and secondary prevention strategies currently being tried in the United States and Canada. (For information regarding tertiary prevention efforts for children exposed to domestic violence, see the articles by Lemon, by Findlater and Kelly, by Saathoff and Stoffel, by Culross, and by Groves in this journal issue.) Innovative Primary and Secondary Prevention Efforts Existing primary prevention efforts are often directed toward particular population groups, and secondary efforts toward identified individuals within those groups. Programs for children typically target specific age groups and utilize, in their design, what is known about child development at that particular age. As a result, programs for very young children are markedly different from programs for adolescents, for example. Unfortunately, there is no information currently available regarding the total number of primary and secondary prevention programs that address domestic violence. The programs described below are highlighted because they illustrate the points being discussed, not because they necessarily represent the most successful programs. Comprehensive, evaluative information with regard to domestic violence prevention programs is also very limited but is presented when available. Infants and Preschool-Age Children (0 to 5 Years) Primary and secondary prevention strategies for infants and preschool children focus on ensuring that children receive a healthy start, including freedom from emotional, physical, and sexual abuse, and from the trauma of witnessing domestic violence. Development of such strategies begins by defining the principles of a healthy childrearing environment. Though there are differing opinions about the details of such a healthy environment,22 all experts agree that in order for very young children to thrive and grow to be nonviolent, productive adults, they must be cared for by supportive and nurturing adults, have opportunities for socialization, and have the freedom within protective boundaries to explore their world.23 Prevention programs targeting infants and preschool children have developed from the public health and nursing fields. They involve efforts to provide support for new parents through home visiting programs.24 (For more information on home visiting programs, see the spring/summer 1999 issue of The Future of Children.) Home visiting support and assistance can be delivered on a universal basis whereby all new parents receive basic in-home services for a specified time period. However, no pro grams with a universal approach currently exist in North America.25 Alternatively, home visiting services can be delivered to selected groups, such as families or neighborhoods, that are at greater risk for domestic violence. There are home visiting programs that currently target families identified as being at risk for child abuse,26 and include efforts to improve parenting skills27 and to prevent social isolation.28 Hawaii’s Healthy Start Program is a wellknown example of a prevention effort, with home visits provided to infants born to high-risk families to help prevent the incidence of child abuse and to promote other aspects of healthy child development. (See Box 1.) To date, home visitation programs have not focused on domestic violence prevention. Yet, such programs hold promise in this area because of their emphasis on creating a healthy environment for children and because many of the families served who are at risk for child abuse are also at risk for domestic violence. Moreover, families at risk for domestic violence may be more receptive to home visitation, with its focus on healthy relationships and family strengths, than to more directive or punitive approaches through child welfare services or law enforcement.20 However, there are potential problems with the use of home visiting programs to address domestic violence. These include concern for the safety of the home visitor and the victim, and the possibility that any trust between the home visitor and the family will be breached if domestic violence is discussed.29 School-Age Children (6 to 12 Years) Schools are ideal places in which to introduce primary prevention programs to wide ranges of children, because most children attend school. In addition, much of children’s social learning takes place in schools, and research has shown that social learning can play a role in the development of behaviors and attitudes that support domestic violence. Teachers, who typically represent the second most important influence in the lives of children, are in an ideal position to motivate students to consider new ways of thinking and behaving.30 In a 1998 comprehensive review of model programs for battered mothers and their children, several community agencies reported the development of primary prevention efforts in collaboration with schools.31 One of the key values inherent in all of these primary prevention programs is the belief that every student needs to be aware of domestic violence and related forms of abuse. Even if students never become victims or perpetrators of domestic violence, they may have opportunities in the future, as community members, to help others in preventing or stopping it.32 Because these programs consider domestic violence a community and societal problem, many of them also involve parents and other members of the broader community. One of the first programs to document efforts to prevent domestic violence by working with children in the schools was implemented by the Minnesota Coalition for Battered Women.33 (See Box 2.) The ideas and successes of this early program have spawned similar efforts across North America.34 Preliminary evaluations of these newer programs are promising and indicate that key elements of successful school-based programs include: identifying relationship violence as a form of societal violence; acknowledging that domestic violence is an abuse of power and control; creating a high enough level of trust so that children can disclose exposure to domestic violence and teachers can make appropriate referrals; teaching safety skills about what to do when domestic violence occurs; and encouraging the development of social skills such as anger management and conflict resolution as alternatives to violence.35 Adolescents (13 to 18 Years) Adolescence is a time of important cognitive and social development. Teens learn to think more rationally and become capable of thinking hypothetically. They also develop a greater understanding of the possible risks and consequences of their behaviors and learn to balance their own interests with those of their peers and family members. Conformity to parental opinions gradually decreases throughout adolescence, while peers become **increasingly** influential until late adolescence.36 Romantic relationships become more important by mid-adolescence.37 Thus, early- and mid-adolescence offer unique windows of opportunity for primary prevention **efforts that make teens aware of the ways in which violence in relationships can occur**, and that teach healthy ways to form intimate relationships.38 When offered opportunities to explore the richness and rewards of relationships, youths become eager to learn about choices and responsibilities. Clear messages about personal responsibility and boundaries, delivered in a blame-free manner, are generally acceptable to this age group, whereas lectures and warnings are less helpful.39 Primary prevention programs delivered universally through high schools often involve activities aimed at increasing awareness and dispelling myths about relationship violence. Such activities might include school auditorium presentations involving videotapes, plays, professional theater groups, or speeches from domestic violence or teen dating violence survivors; classroom discussions facilitated by teachers or domestic violence services professionals; programs and curricula that encourage students to examine attitudes and behaviors that promote or tolerate violence; and peer support groups. Some school-based programs have resulted in youth-initiated prevention activities such as theatrical presentations to younger children, and marches and other social protests against domestic violence.40 **Preliminary data** from evaluations of six school-based dating violence prevention programs **report increases in knowledge about dating violence issues, positive changes in attitudes about dating violence, and self-reported decreases in the perpetration of dating violence**. Though preliminary, these data indicate that **adolescents are receptive to** school-based prevention programs.41 In addition to school-based programs for adolescents, there are also **community based programs with primary prevention goals** similar to those of the school-based programs. Many of the community based programs also provide secondary prevention services to teens who have displayed early signs of violence. (See Box 3.)

### Part Four is Framing

Debater’s cognitive biases overestimate high impact scenarios – high magnitude focus distort debate's potential to meaningfully speak to issues like gender violence. **Cohn 13**

Nate Cohn 13, covers elections, polling and demographics for The Upshot, a Times politics and policy site. Previously, he was a staff writer for The New Republic. Before entering journalism, he was a research assistant and Scoville Fellow at the Stimson Center “Improving the Norms and Practices of Policy Debate,” Nov 24, <http://www.cedadebate.org/forum/index.php/topic,5416.0.html>

So let me offer another possibility: the problem isn’t the topic, but modern policy debate. The unrealistic scenarios, exclusive focus on policy scholarship, inability to engage systemic impacts and philosophical questions. And so long as these problems characterize modern policy debate, teams will feel compelled to avoid it.¶ It might be tempting to assign the blame to “USFG should.” But these are bugs, not features of plan-focused, USFG-based, active voice topics. These bugs result from practices and norms that were initially and independently reasonable, but ultimately and collectively problematic. I also believe that these norms can and should be contested. I believe it would be possible for me to have a realistic, accessible, and inclusive discussion about the merits of a federal policy with, say, Amber Kelsie. Or put differently, I’m not sure I agree with Jonah that changing the topic is the only way to avoid being “a bunch of white folks talking about nuke war.”¶ The fact that policy debate is wildly out of touch—the fact that we are “a bunch of white folks talking about nuclear war”—is a damning indictment of nearly every coach in this activity. It’s a serious indictment of the successful policy debate coaches, who have been content to continue a pedagogically unsound game, so long as they keep winning. It’s a serious indictment of policy debate’s discontents who chose to disengage. ¶ That’s not to say there hasn’t been any effort to challenge modern policy debate on its own terms—just that they’ve mainly come from the middle of the bracket and weren’t very successful, focusing on morality arguments and various “predictions bad” claims to outweigh. ¶ Judges were receptive to the sentiment that disads were unrealistic, but negative claims to specificity always triumphed over generic epistemological questions or arguments about why “predictions fail.” The affirmative rarely introduced substantive responses to the disadvantage, rarely read impact defense. All considered, the negative generally won a significant risk that the plan resulted in nuclear war. Once that was true, it was basically impossible to win that some moral obligation outweighed the (dare I say?) obligation to avoid a meaningful risk of extinction.¶ There were other problems. Many of the small affirmatives were unstrategic—teams rarely had solvency deficits to generic counterplans. It was already basically impossible to win that some morality argument outweighed extinction; it was totally untenable to win that a moral obligation outweighed a meaningful risk of extinction; it made even less sense if the counterplan solved most of the morality argument. The combined effect was devastating: As these debates are currently argued and judged, I suspect that the negative would win my ballot more than 95 percent of the time in a debate between two teams of equal ability.¶ But even if a “soft left” team did better—especially by making solvency deficits and responding to the specifics of the disadvantage—I still think they would struggle. They could compete at the highest levels, but, in most debates, judges would still assess a small, but meaningful risk of a large scale conflict, including nuclear war and extinction. The risk would be small, but the “magnitude” of the impact would often be enough to outweigh a higher probability, smaller impact. Or put differently: policy debate still wouldn’t be replicating a real world policy assessment, teams reading small affirmatives would still be at a real disadvantage with respect to reality. . ¶ Why? Oddly, this is the unreasonable result of a reasonable part of debate: the burden of refutation or rejoinder, the responsibility of debaters to “beat” arguments. If I introduce an argument, it starts out at 100 percent—you then have to disprove it. That sounds like a pretty good idea in principle, right? Well, I think so too. But it’s really tough to refute something down to “zero” percent—a team would need to completely and totally refute an argument. That’s obviously tough to do, especially since the other team is usually going to have some decent arguments and pretty good cards defending each component of their disadvantage—even the ridiculous parts. So one of the most fundamental assumptions about debate all but ensures a meaningful risk of nearly any argument—even extremely low-probability, high magnitude impacts, sufficient to outweigh systemic impacts. ¶ There’s another even more subtle element of debate practice at play. Traditionally, the 2AC might introduce 8 or 9 cards against a disadvantage, like “non-unique, no-link, no-impact,” and then go for one and two. Yet in reality, disadvantages are underpinned by dozens or perhaps hundreds of discrete assumptions, each of which could be contested. By the end of the 2AR, only a handful are under scrutiny; the majority of the disadvantage is conceded, and it’s tough to bring the one or two scrutinized components down to “zero.”¶ And then there’s a bad understanding of probability. If the affirmative questions four or five elements of the disadvantage, but the negative was still “clearly ahead” on all five elements, most judges would assess that the negative was “clearly ahead” on the disadvantage. In reality, the risk of the disadvantage has been reduced considerably. If there was, say, an 80 percent chance that immigration reform would pass, an 80 percent chance that political capital was key, an 80 percent chance that the plan drained a sufficient amount of capital, an 80 percent chance that immigration reform was necessary to prevent another recession, and an 80 percent chance that another recession would cause a nuclear war (lol), then there’s a 32 percent chance that the disadvantage caused nuclear war. ¶ I think these issues can be overcome. First, I think teams can deal with the “burden of refutation” by focusing on the “burden of proof,” which allows a team to mitigate an argument before directly contradicting its content. ¶ Here’s how I’d look at it: modern policy debate has assumed that arguments start out at “100 percent” until directly refuted. But few, if any, arguments are supported by evidence consistent with “100 percent.” Most cards don’t make definitive claims. Even when they do, they’re not supported by definitive evidence—and any reasonable person should assume there’s at least some uncertainty on matters other than few true facts, like 2+2=4.¶ Take Georgetown’s immigration uniqueness evidence from Harvard. It says there “may be a window” for immigration. So, based on the negative’s evidence, what are the odds that immigration reform will pass? Far less than 50 percent, if you ask me. That’s not always true for every card in the 1NC, but sometimes it’s even worse—like the impact card, which is usually a long string of “coulds.” If you apply this very basic level of analysis to each element of a disadvantage, and correctly explain math (.4\*.4\*.4\*.4\*.4=.01024), the risk of the disadvantage starts at a very low level, even before the affirmative offers a direct response. ¶ Debaters should also argue that the negative hasn’t introduced any evidence at all to defend a long list of unmentioned elements in the “internal link chain.” The absence of evidence to defend the argument that, say, “recession causes depression,” may not eliminate the disadvantage, but it does raise uncertainty—and it doesn’t take too many additional sources of uncertainty to reduce the probability of the disadvantage to effectively zero—sort of the static, background noise of prediction.¶ Now, I do think it would be nice if a good debate team would actually do the work—talk about what the cards say, talk about the unmentioned steps—but I think debaters can make these observations at a meta-level (your evidence isn’t certain, lots of undefended elements) and successfully reduce the risk of a nuclear war or extinction to something indistinguishable from zero. It would not be a factor in my decision.¶ Based on my conversations with other policy judges, it may be possible to pull it off with even less work. They might be willing to summarily disregard “absurd” arguments, like politics disadvantages, on the grounds that it’s patently unrealistic, that we know the typical burden of rejoinder yields unrealistic scenarios, and that judges should assess debates in ways that produce realistic assessments. I don’t think this is too different from elements of Jonah Feldman’s old philosophy, where he basically said “when I assessed 40 percent last year, it’s 10 percent now.”¶ Honestly, I was surprised that the few judges I talked to were so amenable to this argument. For me, just saying “it’s absurd, and you know it” wouldn’t be enough against an argument in which the other team invested considerable time. The more developed argument about accurate risk assessment would be more convincing, but I still think it would be vulnerable to a typical defense of the burden of rejoinder. ¶ To be blunt: I want debaters to learn why a disadvantage is absurd, not just make assertions that conform to their preexisting notions of what’s realistic and what’s not. And perhaps more importantly for this discussion, I could not coach a team to rely exclusively on this argument—I’m not convinced that enough judges are willing to discount a disadvantage on “it’s absurd.” Nonetheless, I think this is a useful “frame” that should preface a following, more robust explanation of why the risk of the disadvantage is basically zero—even before a substantive response is offered.¶ There are other, broad genres of argument that can contest the substance of the negative’s argument. There are serious methodological indictments of the various forms of knowledge production, from journalistic reporting to think tanks to quantitative social science. Many of our most strongly worded cards come from people giving opinions, for which they offer very little data or evidence. And even when “qualified” people are giving predictions, there’s a great case to be extremely skeptical without real evidence backing it up. The world is a complicated place, predictions are hard, and most people are wrong. And again, this is before contesting the substance of the negative’s argument(!)—if deemed necessary.¶ So, in my view, the low probability scenario is waiting to be eliminated from debate, basically as soon as a capable team tries to do it.¶ That would open to the door to all of the arguments, previously excluded, de facto, by the prevalence of nuclear war impacts. It’s been tough to talk about racism or gender violence, since modest measures to mitigate these impacts have a difficult time outweighing a nuclear war. It’s been tough to discuss ethical policy making, since it’s hard to argue that any commitment to philosophical or ethical purity should apply in the face of an existential risk. It’s been tough to introduce unconventional forms of evidence, since they can’t really address the probability of nuclear war

Evaluate probability first – “1% doctrine” kills decision-making since any action has some risk, so avoiding risk freezes action and prevents change. Their risks are constructed to preserve the status quo – it’s the same strategy used to block every progressive reform like ending slavery and civil rights

Social injustice is the root of mass-scale violence – it primes society for external violence. **Scheper-Hughes 04**

Scheper-Hughes 4 (Prof of Anthropology @ Cal-Berkely; Prof of Anthropology @ UPenn) (Nancy and Philippe, Introduction: Making Sense of Violence, in Violence in War and Peace, pg. 19-22)

This large and at first sight “messy” Part VII is central to this anthology’s thesis. It encompasses everything from the routinized, bureaucratized, and utterly banal violence of children dying of hunger and maternal despair in Northeast Brazil (Scheper-Hughes, Chapter 33) to elderly African Americans dying of heat stroke in Mayor Daly’s version of US apartheid in Chicago’s South Side (Klinenberg, Chapter 38) to the racialized class hatred expressed by British Victorians in their olfactory disgust of the “smelly” working classes (Orwell, Chapter 36). In these readings violence is located in the symbolic and social structures that overdetermine and allow the criminalized drug addictions, interpersonal bloodshed, and racially patterned incarcerations that characterize the US “inner city” to be normalized (Bourgois, Chapter 37 and Wacquant, Chapter 39). Violence also takes the form of class, racial, political self-hatred and adolescent self-destruction (Quesada, Chapter 35), as well as of useless (i.e. preventable), rawly embodied physical suffering, and death (Farmer, Chapter 34). Absolutely central to our approach is a blurring of categories and distinctions between wartime and peacetime violence. Close attention to the “little” violences produced in the structures, habituses, and mentalites of everyday life shifts our attention to pathologies of class, race, and gender inequalities. More important, it interrupts the voyeuristic tendencies of “violence studies” that risk publicly humiliating the powerless who are often forced into complicity with social and individual pathologies of power because suffering is often a solvent of human integrity and dignity. Thus, in this anthology we are positing a violence continuum comprised of a multitude of “small wars and invisible genocides” (see also Scheper- Hughes 1996; 1997; 2000b) conducted in the normative social spaces of public schools, clinics, emergency rooms, hospital wards, nursing homes, courtrooms, public registry offices, prisons, detention centers, and public morgues. The violence continuum also refers to the ease with which humans are capable of reducing the socially vulnerable into expendable nonpersons and assuming the license - even the duty - to kill, maim, or soul-murder. We realize that in referring to a violence and a genocide continuum we are flying in the face of a tradition of genocide studies that argues for the absolute uniqueness of the Jewish Holocaust and for vigilance with respect to restricted purist use of the term genocide itself (see Kuper 1985; Chaulk 1999; Fein 1990; Chorbajian 1999). But we hold an opposing and alternative view that, to the contrary, it is absolutely necessary to make just such existential leaps in purposefully linking violent acts in normal times to those of abnormal times. Hence the title of our volume: Violence in War and in Peace. If (as we concede) there is a moral risk in overextending the concept of “genocide” into spaces and corners of everyday life where we might not ordinarily think to find it (and there is), an even greater risk lies in failing to sensitize ourselves, in misrecognizing protogenocidal practices and sentiments daily enacted as normative behavior by “ordinary” good-enough citizens. Peacetime crimes, such as prison construction sold as economic development to impoverished communities in the mountains and deserts of California, or the evolution of the criminal industrial complex into the latest peculiar institution for managing race relations in the United States (Waquant, Chapter 39), constitute the “small wars and invisible genocides” to which we refer. This applies to African American and Latino youth mortality statistics in Oakland, California, Baltimore, Washington DC, and New York City. These are “invisible” genocides not because they are secreted away or hidden from view, but quite the opposite. As Wittgenstein observed, the things that are hardest to perceive are those which are right before our eyes and therefore taken for granted. In this regard, Bourdieu’s partial and unfinished theory of violence (see Chapters 32 and 42) as well as his concept of misrecognition is crucial to our task. By including the normative everyday forms of violence hidden in the minutiae of “normal” social practices - in the architecture of homes, in gender relations, in communal work, in the exchange of gifts, and so forth - Bourdieu forces us to reconsider the broader meanings and status of violence, especially the links between the violence of everyday life and explicit political terror and state repression, Similarly, Basaglia’s notion of “peacetime crimes” - crimini di pace - imagines a direct relationship between wartime and peacetime violence. Peacetime crimes suggests the possibility that war crimes are merely ordinary, everyday crimes of public consent applied systematically and dramatically in the extreme context of war. Consider the parallel uses of rape during peacetime and wartime, or the family resemblances between the legalized violence of US immigration and naturalization border raids on “illegal aliens” versus the US government- engineered genocide in 1938, known as the Cherokee “Trail of Tears.” Peacetime crimes suggests that everyday forms of state violence make a certain kind of domestic peace possible. Internal “stability” is purchased with the currency of peacetime crimes, many of which take the form of professionally applied “strangle-holds.” Everyday forms of state violence during peacetime make a certain kind of domestic “peace” possible. It is an easy-to-identify peacetime crime that is usually maintained as a public secret by the government and by a scared or apathetic populace. Most subtly, but no less politically or structurally, the phenomenal growth in the United States of a new military, postindustrial prison industrial complex has taken place in the absence of broad-based opposition, let alone collective acts of civil disobedience. The public consensus is based primarily on a new mobilization of an old fear of the mob, the mugger, the rapist, the Black man, theundeserving poor. How many public executions of mentally deficient prisoners in the United States are needed to make life feel more secure for the affluent? What can it possibly mean when incarceration becomes the “normative” socializing experience for ethnic minority youth in a society, i.e., over 33 percent of young African American men (Prison Watch 2002). In the end it is essential that we recognize the existence of a genocidal capacity among otherwise good-enough humans and that we need to exercise a defensive hypervigilance to the less dramatic, permitted, and even rewarded everyday acts of violence that render participation in genocidal acts and policies possible (under adverse political or economic conditions), perhaps more easily than we would like to recognize. Under the violence continuum we include, therefore, all expressions of radical social exclusion, dehumanization, depersonalization, pseudospeciation, and reification which normalize atrocious behavior and violence toward others. A constant self-mobilization for alarm, a state of constant hyperarousal is, perhaps, a reasonable response to Benjamin’s view of late modern history as a chronic “state of emergency” (Taussig, Chapter 31). We are trying to recover here the classic anagogic thinking that enabled Erving Goffman, Jules Henry, C. Wright Mills, and Franco Basaglia among other mid-twentieth-century radically critical thinkers, to perceive the symbolic and structural relations, i.e., between inmates and patients, between concentration camps, prisons, mental hospitals, nursing homes, and other “total institutions.” Making that decisive move to recognize the continuum of violence allows us to see the capacity and the willingness - if not enthusiasm - of ordinary people, the practical technicians of the social consensus, to enforce genocidal-like crimes against categories of rubbish people. There is no primary impulse out of which mass violence and genocide areborn, it is ingrained in the common sense of everyday social life. The mad, the differently abled, the mentally vulnerable have often fallen into this category of the unworthy living, as have the very old and infirm, the sick-poor, and, of course, the despised racial, religious, sexual, and ethnic groups of the moment. Erik Erikson referred to “pseudo- speciation” as the human tendency to classify some individuals or social groups as less than fully human a prerequisite to genocide and one that is carefully honed during the unremarkable peacetimes that precede the sudden, “seemingly unintelligible” outbreaks of mass violence. Collective denial and misrecognition are prerequisites for mass violence and genocide. But so are formal bureaucratic structures and professional roles. The practical technicians of everyday violence in the backlands of Northeast Brazil (Scheper-Hughes, Chapter 33), for example, include the clinic doctors who prescribe powerful tranquilizers to fretful and frightfully hungry babies, the Catholic priests who celebrate the death of “angel-babies,” and the municipal bureaucrats who dispense free baby coffins but no food to hungry families. Everyday violence encompasses the implicit, legitimate, and routinized forms of violence inherent in particular social, economic, and political formations. It is close to what Bourdieu (1977, 1996) means by “symbolic violence,” the violence that is often “nus-recognized” for something else, usually something good. Everyday violence is similar to what Taussig (1989) calls “terror as usual.” All these terms are meant to reveal a public secret - the hidden links between violence in war and violence in peace, and between war crimes and “peace-time crimes.” Bourdieu (1977) finds domination and violence in the least likely places - in courtship and marriage, in the exchange of gifts, in systems of classification, in style, art, and culinary taste- the various uses of culture. Violence, Bourdieu insists, is everywhere in social practice. It is misrecognized because its very everydayness and its familiarity render it invisible. Lacan identifies “rneconnaissance” as the prerequisite of the social. The exploitation of bachelor sons, robbing them of autonomy, independence, and progeny, within the structures of family farming in the European countryside that Bourdieu escaped is a case in point (Bourdieu, Chapter 42; see also Scheper-Hughes, 2000b; Favret-Saada, 1989). Following Gramsci, Foucault, Sartre, Arendt, and other modern theorists of power-vio- lence, Bourdieu treats direct aggression and physical violence as a crude, uneconomical mode of domination; it is less efficient and, according to Arendt (1969), it is certainly less legitimate. While power and symbolic domination are not to be equated with violence - and Arendt argues persuasively that violence is to be understood as a failure of power - violence, as we are presenting it here, is more than simply the expression of illegitimate physical force against a person or group of persons. Rather, we need to understand violence as encompassing all forms of “controlling processes” (Nader 1997b) that assault basic human freedoms and individual or collective survival. Our task is to recognize these gray zones of violence which are, by definition, not obvious. Once again, the point of bringing into the discourses on genocide everyday, normative experiences of reification, depersonalization, institutional confinement, and acceptable death is to help answer the question: What makes mass violence and genocide possible? In this volume we are suggesting that mass violence is part of a continuum, and that it is socially incremental and often experienced by perpetrators, collaborators, bystanders - and even by victims themselves - as expected, routine, even justified. The preparations for mass killing can be found in social sentiments and institutions from the family, to schools, churches, hospitals, and the military. They harbor the early “warning signs” (Charney 1991), the “priming” (as Hinton, ed., 2002 calls it), or the “genocidal continuum” (as we call it) that push social consensus toward devaluing certain forms of human life and lifeways from the refusal of social support and humane care to vulnerable “social parasites” (the nursing home elderly, “welfare queens,” undocumented immigrants, drug addicts) to the militarization of everyday life (super-maximum-security prisons, capital punishment; the technologies of heightened personal security, including the house gun and gated communities; and reversed feelings of victimization).

Rejection of the state assumes a public private dichotomy that perpetuates massive violence against women. **Vojdik 07**

Valorie K. Vojdik, Conceptualizing Intimate Violence and Gender Equality: A Comparative Approach, Fordham International Law Journal, Volume 31, Issue 2 2007

More than ten years after the adoption of the Declaration for the Elimination of Violence against Women, the U.S. Supreme Court has refused to recognize a constitutional right to protection from domestic violence. In contrast, the South African Constitutional Court has recognized that the State has affirmative obligations to prevent and eliminate [IPV] domestic violence. The difference does not merely result from doctrinal differences; it also reflects different conceptions of domestic violence and gender equality. By understanding domestic violence as a means of gender subordination, the Constitutional Court has been able to acknowledge the role of the State in perpetuating violence. The U.S. Supreme Court, on the other hand, characterizes domestic violence as a gender-neutral crime that does not implicate equality or other civil rights. The difference in conceptualization of intimate violence and its relationship to gender equality arises in part from the different jurisprudence of the right to equality. By embracing formal equality as the measure of the right to equal protection, the U.S. Supreme Court has largely ignored the context in which violence occurs and its concrete effects on women's ability to fully enjoy the fundamental rights to life, liberty, and equal protection guaranteed by the Constitution. Instead, the Supreme Court has chosen to conceptualize intimate violence against women in the abstract. Decisions about whether to recognize a constitutional right to be free from private violence, for example, turn not on a contextualized discussion of the concrete, real-life impact of violence on women. Instead, the U.S. Supreme Court engages in what MacKinnon and others refer to as "categorical formalism," a barren analytical move that denies the gendered nature and effects of violence, ignores the history of state condemnation of violence against women, and continues to dichotomize the private (family) and the public (state), relegating violence against women to the private and local rather than invoking the power of the federal constitution to protect the very life and liberty of women.223 By examining the changing conceptions of violence against women in international law and the jurisprudence of the South African Constitutional Court, the limitations of the U.S. approach become clear. To the extent that the Supreme Court has signaled a willingness to consider international law and norms with respect to homosexuality and cases involving the death penalty,2 2 4 engaging in a comparative analysis of the jurisprudence of violence against women hopefully will broaden the Court's understanding of the relationship between violence against women and women's right to equality under the federal Constitution. This is not to say that the human rights approach is the silver bullet to eradicating violence against women. In evaluating the transformative potential of a human rights approach to domestic violence, it is important to consider the practical difficulties in employing the international conventions, declarations and documents that define domestic violence as discrimination. The 2006 report of the Special Rapporteur on Violence Against Women, for example, takes a critical look at the effectiveness of the due diligence standard in eradicating the causes of genderbased violence. 225 The Special Rapporteur concludes that States have focused their due diligence efforts on legislative reform, access to justice, and the provision of services to victims. 226 The focus has been on violence after it has occurred rather than on efforts to prevent violence, compensate victims, and hold nonstate actors responsible for their acts. 227 In particular, the Report concludes that States have neglected their obligation to transform the patriarchal social structures and cultural values that condone and perpetuate violence against women. 22 The challenge remains to eliminate the root causes and consequences of domestic violence. The transformative potential of the legal rights afforded wo- men in South Africa also faces substantial challenges, both social and economic. As Penelope Andrews argues, the legacy of racism and apartheid includes a deep-rooted masculinist culture that perpetuates women's subordinate position through violence. 229 Andrews identifies three manifestations of South African culture that have produced a masculinist culture that condones violence against women: the maintenance of apartheid through militarization and forced conscription of white men, who engaged in brutal tactics to repress blacks; the valorization of black men in the townships who confronted the apartheid regime and developed a culture of violence, including sexual violence against women, as part of their masculine identity; and the role of traditional customary law in enforcing the subordination of women. 230 The roots of violence toward women cannot be solved by mere invocation of constitutional rights. The transformative potential of the guarantee of socioeconomic rights similarly is limited by a lack of economic resources sufficient to eliminate the glaring inequalities and poverty faced by the majority of South Africans. 23 1 As of 2001, approximately 57% of South Africans lived below the poverty line.23 9 Between 1996 and 2001, the percentage of persons below the poverty line did not change; the gap between the rich and the poor in fact widened.233 With more resources, the government of South Africa would be better able to provide shelter and services for victims of domestic violence as well as reduce the socioeconomic inequalities faced by women that make them particularly vulnerable to violence. Despite these limitations, many in South Africa continue to believe in the power of the Constitution to inspire a vision of a more equitable society that can make the promise of substantive equality real.2 34 The shift toward a human rights approach to intimate violence offers a contextualized understanding of the relationship between intimate violence and gender subordination. Recognizing the pervasiveness of violence against women and the devastating consequences on women's daily lives is a critical first step in devising strategies to empower women and liberate their full potential as equal citizens.

State influence inevitable - only mobilizing focus on reforms can effectively challenge gender violence. **Connell 90**

R. W. Connell 90, “The State, Gender, and Sexual Politics: Theory and Appraisal”, Theory and Society, Vol. 19, No. 5, (Oct., 1990), pp. 507-544, <http://www.jstor.org/stable/657562>

Because of its power to regulate and its power to create, the state is a major stake in gender politics; and the exercise of that power is a constant incitement to claim the stake. Thus the state becomes the focus of interest-group formation and mobilization in sexual politics. It is worth recalling just how wide the liberal state's activity in relation to gender is. This activity includes family policy, population policy, labor force and labor market management, housing policy, regulation of sexual behavior and expression, provision of child care, mass educa- tion, taxation and income redistribution, the creation and use of mili- tary forces - and that is not the whole of it. This is not a sideline; it is a major realm of state policy. Control of the machinery that conducts these activities is a massive asset in gender politics. In many situations it will be tactically decisive. The state is therefore a focus for the mobilization of interests that is central to gender politics on the large scale. Feminism's historical con- cern with the state, and attempts to capture a share of state power, appear in this light as a necessary response to a historical reality. They are not an error brought on by an overdose of liberalism or a capitula- tion to patriarchy. As Franzway puts it, the state is unavoidable for feminism. The question is not whether feminism will deal with the state, but how: on what terms, with what tactics, toward what goals.5" The same is true of the politics of homosexuality among men. The ear- liest attempts to agitate for toleration produced a half-illegal, half-aca- demic mode of organizing that reached its peak in Weimar Germany, and was smashed by the Nazis. (The Institute of Sexual Science was vandalized and its library burnt in 1933; later, gay men were sent to concentration camps or shot.) A long period of lobbying for legal reform followed, punctuated by bouts of state repression. (Homosexual men were, for instance, targeted in the McCarthyite period in the United States.)The gay liberation movement changed the methods and expanded the goals to include social revolution, but still dealt with the state over policing, de-criminalization, and anti-discrimination. Since the early 1970s gay politics has evolved a complex mixture of confrontation, cooperation, and representation. In some cities, including San Francisco and Sydney, gay men as such have successfully run for public office. Around the AIDS crisis of the 1980s, in countries such as the United States and Australia, gay community based organizations and state health services have entered a close - if often tense - long-term relationship.' In a longer historical perspective, all these forms of politics are fairly new. Fantasies like Aristophanes's Lysistrata aside, the open mobilization of groups around demands or programs in sexual politics dates only from the mid-nineteenth century. The politics that characterized other patriarchal gender orders in history were constructed along other lines, for instance as a politics of kinship, or faction formation in agri- cultural villages. It can plausibly be argued that modern patterns re- sulted from a reconfiguration of gender politics around the growth of the liberal state. In particular its structure of legitimation through plebiscite or electoral democracy invited the response of popular mobilization

### Part Five is Theory

AFF gets RVIs –

1. AFF flex – neg has the ability to collapse to either layer so aff needs the same ability for the 2AR – this outweighs. **A.** 2NR collapse – time skew becomes 6-1 since I cover multiple layers, which makes it impossible to win **B.** 1AR is too short to read theory compared to the neg so AFF needs each layer to be reciprocal rather than adding more unreciprocal avenues

2. Only neg can read T because only AFF has a T burden so since aff can’t reciprocally respond they need the RVI to compensate for neg’s unique avenue to the ballot.

## AC – Nick (vs. Policy)

### Part One is Framework

The role of the ballot is to endorse a positive strategy that challenges dominant ideologies. **Nicholson 89**

Nicholson, Carol. "Postmodernism, feminism, and education: The need for solidarity." Educational Theory 39.3 (1989): 197-205.

Most feminists are not satisfied with a merely negative struggle, realizing that “you cannot mobilize a movement that is only and always against you: you must have a¶ positive alternative, a vision of a better future that can motivate people to sacrifice¶ their time and energy toward its realization.”~’ While taking seriously the postmodern¶ insight that our theories will necessarily be partial and culturally specific, they are¶ moving beyond deconstruction in both theory and practice. The recent literature is so¶ voluminous that I can mention here only a few examples of the kind of constructive¶ work that is being done in rethinking the foundations of the disciplines and reforming¶ education.32 Feminist theorists, inspired by the work of Nancy Chodorow and Carol¶ Gilligan in psychology, are challenging our culture’s overemphasis on autonomy,¶ individual rights, and justice and developing alternative accounts of ethics and epistemology¶ which recognize the centrality of the correlative concepts of relatedness,¶ responsibility, and care. Feminist teachers and philosophers of education are engaging in counterhegemonic efforts which incorporate the insights of Freire but go beyond¶ them in consciousness of gender differences. Team-taught courses and interdisciplinary¶ programs focused on women’s and minority studies combat the overspecialization and¶ isolation of academic departments and help students integrate their often fragmented¶ knowledge. Higher education is being transformed throughout the nation by major grant¶ projects to integrate issues of race, class, and gender into the “mainstream” curriculum.¶ I have argued that the leading advocates and critics of postmodernism have often¶ misconstrued its pedagogical implications. It is not enough to deconstruct the modern tradition on the level of theory without a deeper deconstruction of education practice which would avoid Lyotard‘s anarchism and address the problem of how more effectively¶ to achieve Rorty’s goal of initiating students into a wider community. Recent feminist theory not only strengthens the “language of critique” of postmodernism by introducing the political issues of race, class, and gender domination as central to the debate about¶ epistemology; it also provides a “language of possibility” which forms the basis of a¶ new radical pedagogy A postmodern feminism that is sensitive to differences can serve¶ as an important corrective to postmodernism’s tendencies toward nihilism on the one¶ hand and apologies for the status quo on the other.¶ Lyotard is surely right that we can no longer rely on metanarratives to justify¶ knowledge, but it does not follow that we must therefore abandon traditional educational¶ institutions altogether. Long before postmodernism became fashionable, Hannah Arendt¶ wrote insightfully about the paradox of educaton in a postmodern era:¶ Our hope always hangs on the new which every generation brings; but precisely¶ because we can base our hope only on this, we destroy everything if we so¶ try to control the new that we, the old, can dictate how it will look. Exactly for¶ the sake of what is new and revolutionary in every child, education must be¶ conservative; it must preserve this newness and introduce it as a new thing¶ into an old world; which, however revolutionary its actions may be, is always, from the standpoint of the next generation, superannuated and close to¶ destruction.=¶ The point of a postmodern feminist pedagogy is not to destroy tradition but to give students the opportunity to reinterpret it for themselves in the light of new problems¶ and perspectives.¶ Rorty makes a persuasive argument that we should give up our belief in a single¶ Truth which stands apart from the meanings that human beings construct and that we¶ should conceive of education as the initiation of students into the conversations that¶ have shaped past and present communities. He “tells a good story” about what it¶ means to be part of an intellectual conversation that binds its members together by¶ virtue of their admiration for common “heroes.” I can summarize my main point by¶ saying that if we are to carry postmodern theory into pedagogical practice, we must listen to those who are telling stories about what it means to be excluded from a conversation or a community because their “heroes” or “heroines” are different from¶ those of the dominant group. We need “rainbow coalition” of postmodernists, feminists,¶ and educators who are committed to the task of making sure that no serious voices are left out of the great conversation that shapes our curriculum and our civilization

This requires analysis of epistemologies that refuses to recognize day-to-day violence. **Tickner 06**

Tickner 06—professor at the School of International Relations at USC (J Ann, “Feminism meets International Relations”, Feminist Methodologies for International Relations, p. 25-7)

An important commitment of feminist methodology is that knowledge must be built and analyzed in a way that can be used by women to change whatever oppressive conditions they face. When choosing a research topic feminists frequently ask what potential it has to improve women’s lives ( Jayaratne and Stewart 1991: 101). This means that research must be designed to provide a vision of the future as well as a structural picture of the present (Cook and Fonow [1986] 1990: 80). Feminists study the routine aspects of everyday life that help sustain gender inequality; they acknowledge the pervasive influence of gender and acknowledge that what has passed as knowledge about human behavior is, in fact, frequently knowledge about male behavior (Cook and Fonow [1986] 1990: 73). Feminists claim that what is called “common sense” is, in reality, knowledge derived from experiences of men’s lives, usually privileged men. Importantly, “male behavior” and “men’s lives” are highly dependent on women and other subordinate groups playing all kinds of supportive roles in these lives and behind this behavior; for if there were only (privileged) men, their lives would surely be different. Designing research useful to women involves first deconstructing previous knowledge based on these androcentric assumptions. Joyce Nielsen suggests that feminist research represents a paradigm shift in the Kuhnian sense in that it sees women, rather than just men, as both the subject matter and creators of knowledge. This leads to anomalies or observations that do not fit received theory. For example, the periodization of history and our understanding of the timing of progressive moments do not always fit with periods that saw progress for women (Nielsen 1990: 19–21). Nielsen outlines the way in which androcentric theories have been used to explain the origins of human society. In the focus on “man the hunter,” man’s (sic) origins were associated with productive rather than reproductive tasks. Men were seen as responsible for organizing human life, and women’s roles as gatherers and reproducers were completely ignored. Nielsen claims that these partial stories are not good science; it follows, therefore, that objectivity depends on the positionality of the researcher as much as on the method used, a claim that contradicts the depiction of science as a foolproof procedure that relies on observation to test theories and hypotheses about the world (Nielsen 1990: 16–18). To this end, Sandra Harding claims that a distinctive feature of feminist research is that it uses women’s experiences as an indicator of the “reality” against which conventional hypotheses are tested and unconventional questions are formulated (Harding 1987: 7). Feminists have also claimed that knowledge based on the standpoint of women’s lives, particularly marginalized women, leads to more robust objectivity, not only because it broadens the base from which we derive knowledge, but also because the perspectives of “outsiders” or marginalized people may reveal aspects of reality obscured by more orthodox approaches to knowledge-building.13 Designing IR research of use to women involves considerable paradigm shifts. While the role of women as reproducers, caregivers, and unpaid workers has been largely ignored in conventional economic analysis, it is central to feminist concerns. Marilyn Waring has documented how national income data ignore reproductive and caring tasks. She describes the daily routine of a girl in Zimbabwe who works at household tasks from 4am to 9pm but who is officially classified as “economically inactive” or “unoccupied” (Waring 1988: 15–16). Yet national income data, which ignore these reproductive and caring tasks, are used by political elites to make public policy. IR feminists have highlighted the role of domestic servants and home workers; although, since the Industrial Revolution, the home has been defined as a feminine space devoid of work, feminists have demonstrated how women in all their various productive and reproductive roles are crucial to the maintenance of the global capitalist economy (Chin 1998; Pru¨ gl 1999). Making visible that which was previously invisible has led IR feminists to investigate military prostitution and rape as tools of war and instruments of state policy (Moon 1997; Enloe 2000). This leads not only to redefinitions of the meaning of security but also to an understanding of how the security of the state and the prosperity of the global economy are frequently dependent on the insecurity of certain individuals’, often women’s,. In lives bringing to light these multiple experiences of women’s lives, feminist researchers also claim that the research they conduct cannot and should not be separated from their identities as researchers.

Traditional political calculations render gendered violence trivial by seeing it as numerically inconsequential. **Enloe 04**

Cynthia Enloe. Professor of International Relations. “The Curious Feminist.” 2004

Thus we need to become more curious about the process of trivialization. How exactly do regimes, opposition parties, judges, popular movements, and the press go about making any incident of violence against women appear trivial? The gendered violence can be explained as inevitable—that is, not worth the expenditure of political capital. Or it can be treated by the trivializers as numerically inconsequential, so rare that it would see wasteful of scare political will or state resources to try to prevent it. Third, trivialization can be accomplished by engaging in comparisons: how can one spend limited political attention on, say, domestic violence or forced prostitution when there are market forces like global competition, structural adjustment, or nuclear testing to deal with – as if, that is, none of those had any relationship to the incidence of violence against women? Finally, trivialization may take the form of undermining the credibility of the messenger. As early as the 1800s, trivializers already were labeling weomen who spoke out publicly against violence against women as “loose,” “prudish,” or “disappointed” (it would be the trivializers’ twentieth-century successors who would think to add “lesbian”).

And standpoint epistemology is key – other methods exclude some viewpoints, which makes true analysis of reality impossible. **Mills 5**

\*\*Edited for ableist language

Charles Mills, “Ideal Theory” as Ideology, 2005.

The crucial common claim—whether couched in terms of ideology and fetishism, or androcentrism, or white normativity—is that all theorizing, both moral and nonmoral, takes place in an intellectual realm dominated by concepts, assumptions, norms, values, and framing perspectives that reflect the experience and group interests of the privileged group (whether the bourgeoisie, or men, or whites). So a simple empiricism will not work as a cognitive strategy; one has to be self-conscious about the concepts that “spontaneously” occur to one, since many of these concepts will not arise naturally but as the result of social structures and hegemonic ideational patterns. In particular, it will often be the case that dominant concepts will obscure certain crucial realities, blocking them from sight, or naturalizing them, while on the other hand, concepts necessary for accurately mapping these realities will be absent. Whether in terms of concepts of the self, or of humans in general, or in the cartography of the social, it will be necessary to scrutinize the dominant conceptual tools and the way the boundaries are drawn. This is, of course, the burden of standpoint theory—that certain realities tend to be more visible from the perspective of the subordinated than the privileged (Harding 2003). The thesis can be put in a strong and implausible form, but weaker versions do have considerable plausibility, as illustrated by the simple fact that for the most part the crucial conceptual innovation necessary to map nonideal realities has not come from the dominant group. In its ignoring of oppression, ideal theory also ignores the consequences of oppression. If societies are not oppressive, or if in modeling them we can abstract away from oppression and assume moral cognizers of roughly equal skill, then the paradigmatic moral agent can be featureless. No theory is required about the particular group-based obstacles that may block the vision of a particular group. By contrast, nonideal theory recognizes that people will typically be cognitively affected by their social location, so that on both the macro and the more local level, the descriptive concepts arrived at may be misleading. Think of the original challenge Marxist models of capitalism posed to liberalism’s social ontology: the claim that to focus on relations of aparently equal exchange, free and fair, among equal individuals was illusory, since at the level of the relations of production, the real ontology of worker and capitalist manifested a deep structure of constraint that limited proletarian freedom. Think of the innovation of using patriarchy to force people to recognize, and condemn as political and oppressive, rather than natural, apolitical, and unproblematic, male domination of women. Think of the recent resurrection of the concept of white supremacy to map the reality of a white domination that has continued in more subtle forms past the ending of de jure segregation. These are all global, high-level concepts, undeniable abstractions. But they map accurately (at least arguably) crucial realities that differentiate the statuses of the human beings within the systems they describe; so while they abstract, they do not idealize. Or consider conceptual innovation at the more local level: the challenge to the traditional way the public/private distinction was drawn, the concept of sexual harassment. In the first case, a seemingly neutral and innocuous conceptual divide turned out, once it was viewed from the perspective of gender subordination, as contributing to the reproduction of the gender system by its relegation of “women’s issues” to a seemingly apolitical and naturalized space. In the case of sexual harassment, a familiar reality—a staple of cartoons in men’s magazines for years (bosses chasing secretaries around the desk and so on)—was reconceptualized as negative (not something funny, but something morally wrong) and a contributor to making the workplace hostile for women. These realizations, these recognitions, did not spontaneously crystallize out of nowhere; they required conceptual labor, a different map of social reality, a valorization of the distinctive experience of women. As a result of having these concepts as visual aids, we can now see better: our perceptions are no longer [ignorant] blinded to realities to which we were previously obtuse. In some sense, an ideal observer should have been able to see them—yet they did not, as shown by the nonappearance of these realities in male-dominated philosophical literature.

### Part Two is Harms

Loopholes in federal law allow dating partners committing intimate partner violence to retain their guns, causing massive violence against women and queer survivors. **EGS 14**

Everytown for Gun Safety [American nonprofit organization, support efforts to educate policy makers, as well the press and the public, about the consequences of gun violence and promote efforts to keep guns out of the hands of criminals] “Domestic Violence and Guns: Myths and Facts about S.1290.” June 2014.

About S.1290: Current law prohibits certain people who have been convicted of misdemeanor crimes of domestic violence (“MCDVs”) or who are subject to domestic violence restraining orders from possessing guns. But it is still legal for violent dating partners and stalkers to possess guns— even though more women in the U.S. are killed by dating partners than by husbands. S.1290 will close the loopholes that continue to allow stalkers and violent dating partners to lawfully possess guns.  Why federal law should aim to keep guns out of the hands of domestic abusers: Domestic violence continues to be a terrible reality in this country, and each year, more than a million American women are assaulted by an intimate partner. 1  Women in the United States are eleven times more likely to be killed with a gun than are women in other high-income countries.2  The presence of a gun in an [intimate partner] domestic violence situation increases the risk that a woman will die by 500 percent. 3  According to a 2010 study in the Journal of Injury Prevention, states that restrict access to guns for restraining order subjects see a 25 percent reduction in intimate partner gun homicides.4  Background checks work to keep guns out of the hands of domestic abusers: Since 1998, the background check system has blocked at least 300,000 sales to people prohibited from buying guns due to MCDVs or domestic violence restraining orders.  About the Misdemeanor Crime of Domestic Violence prohibitor: This prohibitor was added to federal law in 1997.  Dating partners who are “similarly situated to a spouse” and are convicted of an MCDV are already prohibited from possessing guns. Nothing in S.1290 alters this language.  Myth: Opponents claim that the U.S. Supreme Court “read out the ‘violence’ component” of MCDVS in a recent decision.  Fact: The Supreme Court recognized that Congress wrote the MCDV prohibitor broadly to include domestic abusers convicted of any violent offense—regardless of the degree of violence.  State Laws: Most states recognize the danger of abusive dating partners: 42 states and the District of Columbia allow dating partners to seek domestic violence protective orders against their abusers.  What S.1290 would do:  Myth: Opponents claim that by extending the MCDV prohibitor to include abusive dating partners, S.1290 would include relationships described with “expansive and vaguely defined…terms.”  Fact: The dating relationships covered by S.1290 are not vaguely defined. In fact, the language in S.1290 defining dating relationship exactly mirrors the language of the Violence Against Women Act. S.1290 will put the federal gun laws in line with the rest of federal law combatting violence against women.  Fact: In 2013, more than two-thirds of Congress voted to reauthorize VAWA, affirming the inclusion of the same relationships covered in S.1290 Myth: Opponents claim that by extending the federal gun prohibitors to abusive dating partners, S.1290 would effectively extend the reach of the law beyond domestic abuse (“read[ing] out” the word “domestic” from “domestic violence”).  Fact: S.1290 includes a definition of ‘dating relationship’ that cabins the bill to incidents of real domestic abuse while confronting today’s reality of domestic violence.  Fact: The proportion of intimate partner homicides committed partners has risen steadily, and more women are now killed by dating partners than by husbands.5  S.1290 would close this loophole by prohibiting offenders convicted of abusing their intimate partners, regardless of whether they are married to their victims.  Myth: Opponents suggest that extending the federal gun prohibitors to abusive dating partners would be unreasonable because male partners would be covered.  Fact: Intimate partner violence is also a problem in same-sex relationships, and keeping guns out of the hands of violent same-sex dating partners is no less important than for heterosexual dating partners.  Fact: In 2011, one-third of same-sex intimate partner homicides were committed with guns.

**Thus, the plan:** The United States federal government ought to ban the private ownership of handguns for individuals convicted of misdemeanor-level stalking crimes as well as for individuals who are convicted of any state or federal misdemeanor that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a non-cohabitating dating partner. **McDonough 15**

Katie McDonough [Staff writer at Fusion, an ABC-Univision Joint-Venture], "How a Law With Two Missing Words is Letting Domestic Abusers Buy Guns," Fusion, September 21, 2015.

This glaring gap in policy was raised last week by Democratic presidential candidate Martin O’Malley, who rolled out a gun policy platform that included closing the “boyfriend loophole” as well as other things like universal background checks and restrictions on concealed carry. From the O’Malley fact sheet: O’Malley supports the proposed federal legislation that would close this loophole, providing critical protections for women who are targets of dating violence. O’Malley also supports provisions that prohibit anyone convicted of stalking from owning a gun. The legislation O’Malley is talking about has bipartisan support in Congress, but, like so many other gun reform measures, the bills haven’t advanced an inch since being introduced. The House version of the bill—the Zero Tolerance for Domestic Abusers Act—was introduced in July by Michigan Democrat Debbie Dingell and Illinois Republican Robert Dold. It still hasn’t received a hearing or a vote. In a statement to Fusion, Dingell emphasized the bipartisan nature of the bill: “We disagree on a lot of things in Washington, but we all agree that no woman and no child should ever live in fear because of domestic violence. The bipartisan Zero Tolerance for Domestic Abusers Act makes commonsense updates to our laws to protect victims of domestic abuse and stalking from gun violence and, ultimately, save lives.” In the Senate, Democrats introduced the Protecting Domestic Violence and Stalking Victims Act of 2013, but the bill never left committee. (The bill has been reintroduced as the Protecting Domestic Violence and Stalking Victims Act of 2015.) Both versions of the legislation would do the same thing: expand the Brady Handgun Violence Prevention Act to protect people in dating relationships by adding the words “dating partners” to the existing provision on [intimate partner] domestic violence. This small change—just adding two words—would ban convicted abusers in dating relationships from owning guns, same as their married counterparts. The fix is that simple, which is part of why it’s so absurd that it hasn’t happened yet.

### Part Three is Solvency

The plan empirically disrupts the power dynamic and removes guns from abusers and doesn’t cause a substitution effect. **Mascia 15**

Jennifer Mascia [Editorial assistant in the editorial department of the New York Times, contributor to The Gun Report, gun violence project], "Domestic Violence Offenders Abusers Frequently Get to Keep Their Guns. Here Are the Big Reasons Why.," Trace, October 26, 2015.

A handful of states and cities have moved to close this gap in federal law with their own relinquishment requirements. Ten states mandate domestic violence misdemeanants hand over their guns, while 15 states require subjects of domestic violence restraining orders to do so. (Similar federal legislation was introduced in 2014 but did not pass.) Research shows that gun surrender laws have been successful: One 2009 study study found that cities in states with relinquishment laws had 25 percent fewer domestic gun homicides compared to cities in states without them. In the 2013 book Reducing Gun Violence in America, Shannon Frattaroli and April M. Zeoli found that “would-be killers do not replace guns with other weapons,” and concluded that restricting firearms access for domestic abusers can save lives. “We know that most domestic violence homicides happen with firearms, and their presence increases risk of homicide,” Krista Niemczyk, policy manager at the California Partnership to End Domestic Violence, tells The Trace. “The impact firearms have on the level of abuse is really staggering.”

The current loophole is predicated on archaic definitions of dating relationships that marginalize non-traditional relationships. **Welch 16**

Liz Welch. 2/10/16. “It's Time to Talk About What Guns Have to Do With Dating.” Cosmopolitan.

Despite NRA opposition, there are increasing efforts to close the private-sale loophole. In January, President Obama moved to expand checks by requiring anyone who sells large quantities of guns to become licensed. And 18 states have gone further than federal law, requiring that all handgun sales be run through various state and federal databases. In those states, Avore says, 46 percent fewer women are shot to death by intimate partners. Still, without a national solution, criminals remain able to buy guns from a state with weak laws and bring them to states with stronger ones. (Ninety percent of weapons police recover after gun crimes in NYC come from out of state, notes Avore.)¶ Current rules also leave intact the so-called boyfriend loophole. "Single women aren't as protected," Stewart says. "If your boyfriend abuses you but does not live with you or have a child with you, then that abuse is not defined as [intimate partner] domestic violence." He would get a misdemeanor assault conviction, but it would not be entered into the background-check database. In short, your boyfriend could be arrested for hitting you one day and still legally buy a gun the next.¶ Since the early 1990s, when the Brady background-check law was written, relationship demographics have changed. Women wait to get married or decide not to marry. They may live on their own, have more than one boyfriend, or date both women and men. "Changing the federal law to include all partners is the first step toward protecting young women," says Stewart.¶ Nine states and Washington, D.C., have recognized dating partners in the definition of domestic violence. In Congress, Senator Amy Klobuchar (D-MN) and Representative Debbie Dingell (D-MI) have drafted bills (and have both found Republican co-sponsors) that would address the loophole. "It's a pretty simple fix," Avore explains. "Just add 'boyfriend' to the definition."¶ The word "stalker" should be added too. "Right now, people convicted of misdemeanor stalking can still buy guns," says Marium Durrani, the public policy attorney at the National Network to End Domestic Violence, "and stalking is most often an intimate crime. It could be someone you worked with or dated."¶ Jitka Vesel, a 36-year-old translator in Chicago, met the man who would become her stalker through the online video game World of Warcraft. Dmitry Smirnov, 26, was a fellow immigrant from Eastern Europe. He had settled in British Columbia, Canada, where he was a college student. After befriending Vesel online in 2008, Smirnov mentioned he would be touring the States that winter. She invited him to stay with her family in Chicago for Christmas.¶ Theresa O'Rourke, Vesel's best friend since childhood, barely recalls meeting him that holiday. "He was a quiet, geeky sort of guy," she says. "He was not her boyfriend, but he wanted to be."¶ When Smirnov returned to Canada, he began to send incessant emails and texts, according to a harassment report Vesel filed with police in Illinois. Vesel asked him to stop. When he wouldn't, O'Rourke says her friend stopped engaging entirely. "She changed her telephone number and contacted the game people so he couldn't contact her there anymore," O'Rourke says. Because he was Canadian, her local police suggested she call the authorities there. She did, according to Benjamin Kadolph, a sergeant with the Oak Brook Police who worked on the case.¶ That did not stop Smir nov from entering the United States in April 2011. Smirnov found a .40 caliber Smith and Wesson handgun for sale on Armslist.com and arranged to collect it in Washington, court records show. The seller, Benedict Ladera, later admitted to the police that he knew Smirnov was not a U.S. resident. In fact, he pocketed an extra $200 because of this.¶ Smirnov paid a homeless man to buy him ammunition and drove to Chicago. He secretly stalked Vesel for a week, and even put a GPS device on her car, before approaching her in the parking lot of her workplace. He shot her 11 times.¶ O'Rourke was so angry that Smirnov had been able to buy a gun that she reached out to the Brady Campaign to ask what she could do. The group worked with Vesel's brother to file a lawsuit against Armslist.com. "When Jitka got her citizenship, she was so proud!" O'Rourke says. "I was pissed because America failed her. We need to take violence seriously. I don't ever want to hear 'Well, if she had a gun.' Her having a gun was not going to save her life. His not getting one would have."¶ Smirnov pleaded guilty to stalking and murder, and was sent to prison for life. That did not bring O'Rourke peace. Nor did the criminal case against Ladera, who also pleaded guilty and was sentenced to a year in prison. "I believe this weighs heavily on him," she says, "but I have not found forgiveness. His bad choices led to my friend's death."¶ The Armslist lawsuit failed in court, but it was the first of its kind, landing coverage in the New York Times. One day later, Adam Lanza stormed Sandy Hook elementary school and killed 26 people and himself.¶ It is horrifying acts like these — in Newtown, Charleston, San Bernardino, and too many others to bear — that we think about when we use the term 'gun violence.' Yet it is much more likely for a woman to be killed by her partner in this country than by a loner with mental illness or a jihadist attack. When Everytown analyzed all the mass shootings since 2009, the majority were domestic-violence related. And the group found that in states that require background checks, there are fewer mass shootings.¶ Finding ways to keep guns out of the hands of abusers — particularly in the danger period right after a breakup — should be our urgent priority, says David Adams, author of Why Do They Kill? Adams is the co-founder of Emerge, an abuser intervention program, and has spent 30 years working with and interviewing men who hurt women. "People say, 'If he didn't kill her with a gun, he would have killed her anyway,'" Adams says. "For my book, I asked all the killers I interviewed, 'Would you have killed her if you did not have a gun?' Eleven out of 14 killers said absolutely not."

Closing the loophole is a stance against the law that intentionally shuts out non-gender conforming groups. **Finley 89**

Finley, Lucinda. "Breaking Women 's Silence in Law: The Dilemma of the Gendered Nature of Legal Reasoning." Yale Law School. 1989. Accessed April 20, 2016. http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=5010&context=fss\_papers.

Because legal reasoning and the language by which it is expressed have the power to construct and contain individual and cultural understandings of situations and social relationships, they can inhibit change. In light of this power, those who seek to use law to help empower and positively change the status of a group such as women must, in their theory and practice, be concerned with the origins, nature, and structure of legal language and legal reasoning. To tame the beast you must know the beast. Thus, a crucial project for feminist jurisprudence must be to ask constantly and critically who has been involved in shaping law, in selecting and defining its terms, and in deciding what is and is not one of those terms. Whose understandings, philosophy, and world view are imprinted on law? Consequently, how neutral and how inclusive is the structure of legal reasoning? I regard this critical inquiry into the nature of legal reasoning and language as a connecting bridge between the supposedly dichotomous worlds of theory and practice. Feminist jurisprudential theory can inform lawyers concerned with using law to achieve equality and autonomy for women-and with infusing law with more of women's (and more wo-men's) understanding(s) of these contested terms. The insights offered by feminist theory into epistemology and the patriarchal nature of law, and its conclusions about the pros and cons of appropriating existing legal meanings and trying to make the unchanged terms fit women's experiences, can provide creative guidance to lawyers. Feminist theorists who are interested in epistemological issues, in power and the way it is perpetuated, and in deconstructing dichotomies such as equality/difference that seem to disempower women, can gain insight from the experiences of feminist lawyers. At times, these lawyers have found themselves constrained by the power of legal discourse and have tried to alter the meaning of legal terms, such as sex discrimination, self-defense, and rape. At other times these lawyers have used successfully liberal legal frameworks such as "arguing about equality means arguing about sameness/difference." Those of us who practice and think law primarily by writing and teaching about it, as well as those who practice and think law primarily by litigating, lobbying, counseling, and negotiating about it, must reflect about what it is that we are buying into when we use the existing terms of law and wholly accept the existing constructs of its reasoning. How will the legal language shape, confine, constrain, or direct our aspirations and our understandings of our situation? Will the existing terms and their embedded meanings inescapably cabin or undermine our goals? This is a necessary subject of reflection if we are to deal with why it seems to be so hard for women to fit their experiences within legal language. Why do so many efforts to use existing legal terms and doctrines, such as equality, privacy, discrimination, and civil rights, wind up being unsuccessful? 20 Why do those efforts sometimes lead to perverse unanticipated results? 2' Why on other occasions do they get us into stalled or circular debates, such as "equal treatment/special treatment," 22 or "regulate pornography/protect the first amendment," 23 that do not capture either the nature of the problem to be addressed or the shared goals and concerns of many of the debaters? If we do not think about what produces the frequent sense of one step forward-two steps back when we try to use law to affect change for women, but just go on grabbing at the existing language, we are unlikely to tap any positive potential in law as a source of beneficial social change for women or other disempowered, silenced, marginalized people.

The AFF is a step away from traditional feminist scholarship that only recognizes IPV in straight relationships. **Cannon et al 15**

Clare Cannon , Katie Lauve-Moon 2, and Fred Buttell, Re-Theorizing Intimate Partner Violence through Post-Structural Feminism, Queer Theory, and the Sociology of Gender, Soc. Sci. 2015, 4, 668–687; 2015.

Intimate partner violence (IPV) scholarship in the U.S. has primarily focused on heterosexual male offenders and heterosexual female victims [1–5]. In this article, we focus on the U.S. context (e.g., the cultural, political, and linguistic milieu). We use the term intimate partner violence as defined as the use of physical violence, sexual violence, stalking, and/or psychological aggression by a current or former intimate partner [6]. Here, we are principally concerned with patriarchal terrorism (see [7]) as it possibly occurs in same-sex relationships. We understand that the multidimensional construct of abuse subsumes physical violence but also includes relationship control tactics like intimidation, coercion, manipulating children, economic abuse, etc. We also acknowledge the ways family violence and feminist scholars have understood violence. The former view violence in intimate relationships as bi-directional and neither coercive nor controlling (see [8]), while the latter see it as heterosexual violence directed by men at their female intimate partners to maintain power and control over them (see [9]). Johnson’s seminal work [7,10,11] shows the definitional difference between feminist and family scholars by positing that each were talking about two mutually exclusive, non-overlapping phenomena. He asserted that the family violence scholars were targeting for understanding what he termed “common couple violence”. This occurs between two partners in a relationship with relatively equal power. In these cases, neither party feels scared or threatened by the other party, nor is the violence perceived as coercive or controlling. Johnson claims this is the type of violence captured in national surveys and community samples where the family violence scholars find relatively equal rates of violence perpetration between men and women (see for a comprehensive review [12,13]). In contrast, Johnson described the kind of violence found in criminal justice samples and in studies involving women in DV shelters as “patriarchal terrorism”. This is the type of violence more typically viewed as “domestic violence” where the man is directing the concept of “multidimensional abuse” described above towards his female intimate partner with the goal of controlling and dominating her. Such a view comes to dominate the predominant feminist paradigm within the U.S. context. The predominant feminist paradigm in the U.S. for IPV—that men abuse women as an extension of patriarchy in order to assert power and control (e.g., [14–18], see for extensive analysis [19])—has proved invaluable in unveiling the patriarchy present in domestic relationships and de-normalizing men assaulting their wives. Although not the only feminist approach within this field, this prevailing paradigm in U.S. research, proving very useful in explaining why men abuse women in opposite-sex relationships, influenced a number of policies (e.g., the Violence Against Women Act) to outlaw such forms of IPV and to prioritize certain treatment interventions (e.g., Duluth model) over others. In the wake of these policies, recent research has begun to show that in the U.S., instances of IPV appears to be bidirectional, meaning both partners participate in some sort of violent behavior (e.g., physical violence, stalking, psychological aggression, etc.). This point as addressed above is hotly contested within the field, therefore, see for a comprehensive review [12]. Moreover, scholars have found that women can initiate violence almost as often as men in heterosexual relationships [4,13,14]. Even less scholarship has focused on IPV in Lesbian, Gay, Bisexual, Trans\*, Queer relationships, but the little empirical work that exists has found that IPV occurs at rates similar to or greater than heterosexual couples [20–25]. Similar to traditional feminist approaches’ focus on the consequences of IPV for victims and perpetrators, by applying poststructuralist feminist, queer, and sociology of gender theoretical approaches we seek to highlight the meanings, context, and impacts of violence in order to better identify responses needed to address such abuse. Furthermore, in adding to existing feminist scholarship and in using these perspectives we aim to show ways in which gender and sexuality are constitutive of dynamics, not just outcomes, in instances of IPV (see for example [26]). To this end, we begin with a discussion of poststructuralist conceptualizations of power, how it differs from traditional feminist formulations of power, and how such understandings of power can inform scholarship on the problem IPV with an eye towards developing more adequate policy proscriptions and treatment interventions. From here, we apply sociology of gender to the problem of IPV to show the ways that different articulations of masculinities and femininities inform the ways violence is deployed and experienced at the individual, interactional, and structural levels of analysis. In utilizing these perspectives to better understand occurrences of IPV, specifically perpetration by female offenders in heterosexual relationships and occurrences of IPV within same-sex relationships, we aim to add to previous scholarship and to work towards future developments of more informed models of interventions and more effective policies concerning IPV perpetrators and victims.

The plan is empirically effective. **DS 15**

Ruth Glenn of the National Coalition Against Domestic Violence (The National Coalition Against Domestic Violence (NCADV) has worked for more than thirty-five years to address the issue of domestic violence and violence against women. NCADV works developing and influencing policy at the national level; assisting shelters and programs (nationwide) with programming and projects, and offering supportive programs to victims of domestic violence), Overcoming The Domestic Violence Gun Law Gotcha, Domesticshelters.org, 2015.

\*\*Bracketed IPV

It’s one of those laws that would save lives if enforced regularly but, for myriad reasons, often flies under the radar of local law enforcement. Under the 1996 Lautenberg Amendment or Domestic Violence Gun Ban, which amends the Federal Gun Act of 1968, persons convicted of a felony or domestic violence misdemeanor, or who are subject to a domestic violence protective order, are prohibited from possessing guns. That said, each state maintains their own individual laws—some more lenient, others stricter, but all must abide by the basic federal law. Unfortunately, most states do not have a mandatory state process in effect requiring offenders to surrender their guns. As of last year, 41 states did not have such laws in place. One of those states is Texas, namely Dallas County. The Dallas Morning News found that offenders weren’t properly informed on how to obey the law and no follow-up appointments were happening. In one devastating situation, a 27-year-old man who had a family violence protective order against him killed a 28-year-old woman who was eight months pregnant with their child, using a gun he wasn’t legally permitted to have. Neither mother nor baby survived. But as of early May, Dallas County is getting on track with the implementation of a new program which requires individuals convicted of a domestic violence crime or under a restraining order because of domestic violence, to turn over their firearms at a local gun range or give them to an approved third party. While laws alone will not entirely solve the problem of abusers using guns against their victims, the laws have been proven to make a difference. For instance, in states where background checks are required for handgun sales, 38 percent fewer women have been shot to death by an intimate partner, according to the Federal Bureau of Investigation. One wonders if the change in Dallas County was prompted by a spike in domestic violence deaths in 2013 that brought that region to the top of the list for highest number of women killed by intimate partners. Twenty women died that year at the hands of their partners. South Carolina, also one to not largely enforce the Domestic Violence Gun Ban, has recently been trying to turn things around. The legislature just passed a bill that enforces tougher penalties for domestic violence crimes and bans gun ownership for 10 years. This is welcome news for a state that’s been ranked No. 2 in the country for women murdered by intimate partners. But it’s not all settled yet—Governor Nikki Haley has yet to sign it. You can help protect South Carolina and show your support of the bill by filling out this form. “There will always be ways for people to sidestep laws. However, that doesn’t mean we shouldn’t work to improve the laws and the process, because data shows enforcement makes a difference in saving lives,” said Ruth Glenn, executive director of National Coalition Against Domestic Violence. “In addition to the states carrying through on the federal law, the laws prohibiting possession need to expand to include those convicted of stalking and dating abuse.” The U.S. Department of Justice reports that dating partners are now responsible for the majority of intimate partner homicides, when compared to spouses. While some will debate this topic for various perspectives, the facts about the role of guns in escalating [intimate partner] domestic violence are indisputable. The presence of a gun makes it five times more likely domestic violence will become murder. Domestic violence assaults involving a gun are 12 times more likely to result in death than those using other weapons or bodily force. In 2011, nearly two-thirds of women killed with guns were at the hands of intimate partners.

Substitution effect theory is false – multiple warrants. **Dixon 93**

Dixon, Nicholas. "Perilous Protection: A Reply to Kopel." . Louis U. Pub. L. Rev. 12 (1993): 361.

Despite his energetic attempts to deny my argument that the high handgun ownership rate in the United States is a cause of its high handgun homicide rate,81 Kopel elsewhere concedes that "lower handgun density may, arguably, be associated with lower numbers of handgun homicides."82 Perhaps his point is that, while he believes that I have failed to prove this causal connection, it may well exist anyway. However, he insists that lower ownership rates would not necessarily reduce the overall homicide rate." In so doing, he rests his case squarely on the substitution theory that any drop in handgun homicide rate would be outweighed by an increase in homicide by other means.' Since substitution theory is put forward by opponents of handgun prohibition, the burden of proof is on them to support it. They have persistently failed to meet this burden, offering only spec- ulations based on surveys.' Kopel's first defense of substitution theory begins with the fact that Switzerland has far more lenient handgun laws and a far higher handgun homicide rate than Australia and Canada.86 However, he points out that Switzerland's overall homicide rate is less than 8 half that of the other countries. Kopel argues that the reason for the higher overall homicide rate in Australia and Canada might be that assailants in those countries turned to more easily available, and more lethal, long guns.8 Of course it might be! But since Kopel offers no evidence to support this speculation, not even long gun homicide rates in these countries, it can hardly be considered as a vindication of substitution theory. In my original paper, I attack substitution theory on the grounds that (1) the only evidence offered that the level of substitution necessary to increase the homicide rate would occur is prisoner surveys 89 ; and (2) the difficulty of concealing either regular or sawed-off long guns makes widespread substitution unlikely. Kopel's reply to my first objection is that prisoners might not be as unreliable as I make them out to be.9' Even if he is right, whether they are representative of handgun owners in general is doubtful. Moreover, even if they are representative, responses to surveys are flimsy evidence indeed for predicting actual behavior, especially when deciding a social policy issue of such great importance. He then tries to show that the relative inconvenience of long guns for crime does not disprove substitution theory.9' He grants that, when both handguns and long guns are available, criminals prefer to use handguns. But if they are banned, they are likely to turn to the next best thing: long guns. First of all, this amounts to a restatement of substitution theory, rather than a new argument for it. One of my original objections was precisely that the relative inconvenience of using long guns will cause many potential violent criminals to simply change their careers if handguns are banned. But let us assume that some people are so hell bent on violent crime that they will upgrade to long guns (perhaps sawed-off) if handguns are prohibited. We can even assume for the sake of argument that enough of these people would cross the 30-40% threshold of substituting long guns for handguns that would supposedly increase the overall homicide rate.94 This is where a deeper weakness in substitution theory, which I did not address in my first article, becomes relevant. The substitution threshold percentage cited by Kopel is so often invoked by opponents of handgun prohibition that it has acquired the air of indisputable fact. It is time to question the threshold percentage, which is actually an estimate by Benenson and Kates based on the greater lethality of long gun wounds as compared to those inflicted by hand- guns. If homicide were like target practice, long guns would clear- ly be the weapon of choice. In reality, of course, potential homicide victims are not like inanimate targets at shooting ranges. Both potential victims and passers-by are likely to realize the danger and take evasive action as soon as they see the long gun, whereas a handgun can be concealed literally until the second it is fired. In other words, the absence of the factors which cause handguns to be the weapon of choice of violent criminals-especially concealability and ease of "rapid draw"-is likely to minimize the success of long gun attacks. The greater lethality of long gun wounds must be weighed against the greater difficulty in inflicting the wounds in the first place. Consequently, the threshold percentage which is assumed by proponents of substitution theory is groundless. Kopel concedes that the difficulty of concealing long guns will prevent some shootings. However, he disputes my claim that the greater concealability of handguns facilitates even shootings in the home.96 He accuses me of making unwarranted assumptions that long guns will be kept unloaded in another room from the one where the shooting occurs, that handguns will be loaded and carried on the body of the shooter, and that victims will be unaware that the mur- derer is carrying a handgun.97 Actually, I make no assumption that these contingencies are always the case, and I merely state, in re- sponse to Kates and Beneson, that "the 'surprise factor' peculiar to handguns can still apply even in the home."9S As I have said before, substitution theory is advanced by op- ponents of handgun prohibition. The burden remains on Kopel and other proponents of the theory to prove it, by showing that the use of long guns in the home and elsewhere would be sufficient to sur- pass the substitution threshold percentage. Even if he were to find such evidence-and the surveys he cites do not suffice-the objec- tion I have raised to the threshold percentage itself indicates a fatal weakness in Kopel's defense of substitution theory. Given the cen- trality of substitution theory to Kopel's case," his failure to substan- tiate it is very damaging to his argument against handgun prohibition.

Handguns are uniquely problematic for IPV. **Dixon 93**

Nicholas Dixon [Chair and Dykstra Philosopher at Alma College, Ph.D. and M.A. in Philosophy from Michigan State University]. Why We Should Ban Handguns in the United Staets. 12 St. Louis U. Pub. L. Rev. 243 1993.

Bracketed for insensitive language

One has to doubt the reliability of the statements of prisoners as to what firearms they would carry in certain circumstances. Macho bragging and outright lying are very likely in such situations, and relegate Kleck's projections to the status of unsupported conjecture. In view of the fact that such a small percentage of the actual mur- ders in the United States in 1990 were committed with long guns,' the burden on Kleck to prove his hypothetical speculation is even heavier. As for Kates and Benenson, their projections are based on the unsupported assertion that the 70% of handgun killers who do not turn to long guns would instead use knives, the most lethal weapon other than firearms. It is more probable that at least some potential murderers would turn to less lethal weapons or their bare hands, and that some would be deterred from assaults altogether. Since Kates and Benenson ignore these probable scenarios, and since their substitution predictions are in any case purely speculative, it is safe to conclude that their estimate of the increase in the homicide rate in the event of a handgun-only ban is inflated. The conjectures offered in support of the substitution hypothesis are inadequate and fail to meet the burden of proof encumbent on opponents of my proposal.¶ Another reason to doubt that long guns would be used in great numbers to replace handguns in robberies, assaults, and homi- cides is that long guns are obviously much more difficult to conceal. A potential mugger roaming the streets wielding a long gun will cause everyone in sight to flee, and is likely to be quickly arrested¶ when alarmed people call the police. Similarly, a bank robber car-¶ rying a long gun will be immediately detected by security guards,¶ alarm systems will be triggered, and the chances of a successful¶ robbery greatly diminished. Handguns are obviously much more convenient for the commission of such crimes. Kates and Benenson point out that most homicides occur in the home, where concealability is “irrelevant.” 95 However, concealability would seem to be an important factor even in the home. Since the victim may well be unaware that the killer is carrying a concealed weapon, the “surprise factor” which is peculiar to handguns can still apply even in the home. In contrast, people can hardly be unaware that the person they are with is carrying a shotgun or rifle. Moreover, in any argument or domestic quarrel, regardless of whether the potential victim knows that the assaulter is carrying a handgun, the ease of pulling out the gun and shooting makes such arguments more likely to spill over into murder. In contrast, by the time the assaulter has gone into another room to retrieve their long gun and loaded it, the [survivor] potential victim has crucial seconds in which to escape.

**And,** IPV prevents any sort of larger social movement – control over a person’s identity fractures the potential for collective resistance. **O’Doherty 15**

O’Doherty, Lorna Jane [Ph.D. in Applied Psychology, Coventry University], et al. "Fractured Identity in the Context of Intimate Partner Violence Barriers to and Opportunities for Seeking Help in Health Settings." Violence against women (2015).

IPV produces fear and self-doubt; it threatens a person’s life goals, safety, and even¶ survival; and it is associated with lost agency and ability to control the world (Liang¶ et al., 2005; World Bank, 2012). Evaluative dimensions of self-concept, that is, notions¶ of self-worth and self-esteem (Fleming & Courtney, 1984) underlie self-efficacy and¶ have been shown to relate to abused women’s capacity to escape violence (Cluss et al.,¶ 2006). Although studies have reported on ways in which IPV “spoils” women’s identities¶ and is damaging to self-concept (Hague, Mullender, & Aris, 2003; Moss, Pitula, Campbell, & Halstead, 1996), the effects of IPV on the different dimensions of identity¶ outlined above have not been explored in any systematic way. Furthermore, it¶ appears from the literature that social identity theory (Tajfel, 1981) has not been¶ applied in exploring the impacts of IPV on women’s lives.¶ Applying Brewer’s (2001) framework to the IPV literature suggests ways in which¶ social identities are invoked where IPV is present. Undermining aspects of the personbased¶ social identity is a hallmark of emotional abuse whereby deeply integrated and¶ personal aspects of the victim’s concept of self are targeted (Stark, 2007; Williamson,¶ 2010). Individuals also self-define (and evaluate themselves) in the context of their¶ relationships with significant others and based on their performance of role relationships¶ (Breckler & Greenwald, 1986). Thus, it is unsurprising, given the evaluative¶ context of the intimate relationship, that abused women often report a sense of failure¶ (Waldrop & Resick, 2004). Unreasonable expectations set by the perpetrator make it¶ virtually impossible to “succeed” in the partner role (Williamson, 2010). The violence¶ may also target directly other relational social identities. Herman describes how the¶ most destructive tactics violate women’s basic human attachments (Herman, 1992). At¶ the group level of self-representation, evaluation of the collective self-concept involves¶ intergroup comparison. Here, one strives to associate with groups that are valued and¶ confer benefits for self-esteem (Smith & Tyler, 1997). In the context of an abusive¶ relationship, social participation may be restricted, leading to lost opportunities to derive the benefits of group connections (Liang et al., 2005). Regarding the collective¶ identity, IPV may lead to lost identification with a collective (e.g., religion through¶ spiritual abuse) or identification with an emergent collective of “abused women”¶ (Crawford et al., 2009). Thus, balancing the risks and benefits of disclosing and getting¶ help is an ongoing process for women, with implications for social identities even¶ after they have escaped the violence. Analysis at these different levels of identity may¶ offer further understanding of the barriers facing women in finding pathways to safety.

IPV is perpetuated by a lack of education – educational spaces must condemn IPV to start prevention – this has tangible impacts. **Wolfe and Jaffe 99**

Wolfe, David A. [Research Professor and Scholar, Western University], and Peter G. Jaffe [Peter Jaffe is the Founding Director (1975-2001) and Special Advisor on Violence Prevention of the Centre for Children and Families in the Justice System of the London Family Court Clinic; member of the Clinical Adjunct Faculty for the Departments of Psychology and Psychiatry at the University of Western Ontario; former chair of the Board of Directors of the Battered Women's Advocacy Centre; and past Chairperson and a founding board member of the Board of Directors for the Centre for Research on Violence Against Women and Children. He gives presentations on violence and facilitates over 50 workshops a year for teachers, students, lawyers, judges, police, doctors, clergy and various community groups. Dr. Jaffe is the recipient of many awards and grants, author of numerous research articles, and co-author of four books dealing with children exposed to domestic violence]. "Emerging strategies in the prevention of domestic violence." The future of children (1999): 133-144.

This perspective suggests that domestic violence **[IPV] is learned behavior that is modeled, rewarded, and supported by** families and/or the broader **culture**. Analyses based on this theory focus on the ways children learn that aggression is appropriate to resolve conflicts, especially within the context of intimate relationships.11 Researchers have found that batterers are much more likely to have had violent fathers than are nonbatterers.12 Developmental research shows that early intervention with children from violent households may restore normal developmental processes, such as empathy and selfcontrol, and minimize the risk of further harm caused by exposure to abusive adult models.13 Societal Structure Theory According to this view, domestic violence **[IPV] is caused by an underlying power imbalance that can be understood only by examining society as a whole. The analysis focuses on patriarchy** or male domination **over women and children through** physical, economic, and **political control.** Domestic violence **[IPV] reflects** women’s **inequality** in the culture **and** the **reinforcement** of this reality **by various institutions.**14 Commonalities Across Causation Theories Despite the diversity of views regarding the underlying causes of domestic violence, there are some beliefs common to all these theories. They include: (1) that domestic violence **[IPV] has been ignored as a major social problem** until recently and remains poorly understood;15 (2) that domestic violence is a complex problem impacted by multiple variables;16 (3) that childhood trauma, either through exposure to violence or some other trauma, influences the likelihood of domestic violence;17 and (4) that **as long as** domestic violence is condoned as **[its] accepted behavior by** public attitudes and **institutions, there is little chance of preventing it** involves attempts to minimize the course of a problem once it is already clearly evident and causing harm**. Primary prevention strategies can introduce to particular population groups new values, thinking processes, and relationship skills** that are incompatible with violence and that promote healthy, nonviolent relationships. For example, resources can be used to focus on respect, trust, and supportive growth in relationships.19 **These efforts can be** targeted at populations that may be at risk for violence in their intimate relationships but who have not yet shown symptoms of concern, or they can be directed universally at broad population groups, such as school-age children or members of a particular community. In contrast to a population-based focus, secondary prevention efforts in domestic violence address identified individuals who have exhibited particular behaviors associated with domestic violence. An example of secondary prevention is a clear protocol for the way teachers can assist students who have discussed witnessing domestic violence in their homes but who do not show serious signs of harm.20 Tertiary prevention efforts are the most common and emphasize the identification of domestic violence and its perpetrators and victims, control of the behavior and its harms, punishment and/or treatment for the perpetrators, and support for the victims. Intensive collaboration and coordinated services across agencies may be vital in tertiary prevention efforts to address chronic domestic violence and to help prevent future generations of batterers and victims. However, tertiary efforts can be very expensive and often show only limited success in stopping domestic violence, addressing long-term harms, and preventing future acts of violence.21 Table 1 uses the primary, secondary, and tertiary prevention paradigm to categorize a broad range of domestic violence prevention strategies. Several of the strategies mentioned in the table are described in greater detail in the following section, which discusses innovative primary and secondary prevention strategies currently being tried in the United States and Canada. (For information regarding tertiary prevention efforts for children exposed to domestic violence, see the articles by Lemon, by Findlater and Kelly, by Saathoff and Stoffel, by Culross, and by Groves in this journal issue.) Innovative Primary and Secondary Prevention Efforts Existing primary prevention efforts are often directed toward particular population groups, and secondary efforts toward identified individuals within those groups. Programs for children typically target specific age groups and utilize, in their design, what is known about child development at that particular age. As a result, programs for very young children are markedly different from programs for adolescents, for example. Unfortunately, there is no information currently available regarding the total number of primary and secondary prevention programs that address domestic violence. The programs described below are highlighted because they illustrate the points being discussed, not because they necessarily represent the most successful programs. Comprehensive, evaluative information with regard to domestic violence prevention programs is also very limited but is presented when available. Infants and Preschool-Age Children (0 to 5 Years) Primary and secondary prevention strategies for infants and preschool children focus on ensuring that children receive a healthy start, including freedom from emotional, physical, and sexual abuse, and from the trauma of witnessing domestic violence. Development of such strategies begins by defining the principles of a healthy childrearing environment. Though there are differing opinions about the details of such a healthy environment,22 all experts agree that in order for very young children to thrive and grow to be nonviolent, productive adults, they must be cared for by supportive and nurturing adults, have opportunities for socialization, and have the freedom within protective boundaries to explore their world.23 Prevention programs targeting infants and preschool children have developed from the public health and nursing fields. They involve efforts to provide support for new parents through home visiting programs.24 (For more information on home visiting programs, see the spring/summer 1999 issue of The Future of Children.) Home visiting support and assistance can be delivered on a universal basis whereby all new parents receive basic in-home services for a specified time period. However, no pro grams with a universal approach currently exist in North America.25 Alternatively, home visiting services can be delivered to selected groups, such as families or neighborhoods, that are at greater risk for domestic violence. There are home visiting programs that currently target families identified as being at risk for child abuse,26 and include efforts to improve parenting skills27 and to prevent social isolation.28 Hawaii’s Healthy Start Program is a wellknown example of a prevention effort, with home visits provided to infants born to high-risk families to help prevent the incidence of child abuse and to promote other aspects of healthy child development. (See Box 1.) To date, home visitation programs have not focused on domestic violence prevention. Yet, such programs hold promise in this area because of their emphasis on creating a healthy environment for children and because many of the families served who are at risk for child abuse are also at risk for domestic violence. Moreover, families at risk for domestic violence may be more receptive to home visitation, with its focus on healthy relationships and family strengths, than to more directive or punitive approaches through child welfare services or law enforcement.20 However, there are potential problems with the use of home visiting programs to address domestic violence. These include concern for the safety of the home visitor and the victim, and the possibility that any trust between the home visitor and the family will be breached if domestic violence is discussed.29 School-Age Children (6 to 12 Years) Schools are ideal places in which to introduce primary prevention programs to wide ranges of children, because most children attend school. In addition, much of children’s social learning takes place in schools, and research has shown that social learning can play a role in the development of behaviors and attitudes that support domestic violence. Teachers, who typically represent the second most important influence in the lives of children, are in an ideal position to motivate students to consider new ways of thinking and behaving.30 In a 1998 comprehensive review of model programs for battered mothers and their children, several community agencies reported the development of primary prevention efforts in collaboration with schools.31 One of the key values inherent in all of these primary prevention programs is the belief that every student needs to be aware of domestic violence and related forms of abuse. Even if students never become victims or perpetrators of domestic violence, they may have opportunities in the future, as community members, to help others in preventing or stopping it.32 Because these programs consider domestic violence a community and societal problem, many of them also involve parents and other members of the broader community. One of the first programs to document efforts to prevent domestic violence by working with children in the schools was implemented by the Minnesota Coalition for Battered Women.33 (See Box 2.) The ideas and successes of this early program have spawned similar efforts across North America.34 Preliminary evaluations of these newer programs are promising and indicate that key elements of successful school-based programs include: identifying relationship violence as a form of societal violence; acknowledging that domestic violence is an abuse of power and control; creating a high enough level of trust so that children can disclose exposure to domestic violence and teachers can make appropriate referrals; teaching safety skills about what to do when domestic violence occurs; and encouraging the development of social skills such as anger management and conflict resolution as alternatives to violence.35 Adolescents (13 to 18 Years) Adolescence is a time of important cognitive and social development. Teens learn to think more rationally and become capable of thinking hypothetically. They also develop a greater understanding of the possible risks and consequences of their behaviors and learn to balance their own interests with those of their peers and family members. Conformity to parental opinions gradually decreases throughout adolescence, while peers become **increasingly** influential until late adolescence.36 Romantic relationships become more important by mid-adolescence.37 Thus, early- and mid-adolescence offer unique windows of opportunity for primary prevention **efforts that make teens aware of the ways in which violence in relationships can occur**, and that teach healthy ways to form intimate relationships.38 When offered opportunities to explore the richness and rewards of relationships, youths become eager to learn about choices and responsibilities. Clear messages about personal responsibility and boundaries, delivered in a blame-free manner, are generally acceptable to this age group, whereas lectures and warnings are less helpful.39 Primary prevention programs delivered universally through high schools often involve activities aimed at increasing awareness and dispelling myths about relationship violence. Such activities might include school auditorium presentations involving videotapes, plays, professional theater groups, or speeches from domestic violence or teen dating violence survivors; classroom discussions facilitated by teachers or domestic violence services professionals; programs and curricula that encourage students to examine attitudes and behaviors that promote or tolerate violence; and peer support groups. Some school-based programs have resulted in youth-initiated prevention activities such as theatrical presentations to younger children, and marches and other social protests against domestic violence.40 **Preliminary data** from evaluations of six school-based dating violence prevention programs **report increases in knowledge about dating violence issues, positive changes in attitudes about dating violence, and self-reported decreases in the perpetration of dating violence**. Though preliminary, these data indicate that **adolescents are receptive to** school-based prevention programs.41 In addition to school-based programs for adolescents, there are also **community based programs with primary prevention goals** similar to those of the school-based programs. Many of the community based programs also provide secondary prevention services to teens who have displayed early signs of violence. (See Box 3.)

### Part Four is Framing

Debater’s cognitive biases overestimate high impact scenarios. **Cohn 13**

Nate Cohn 13, covers elections, polling and demographics for The Upshot, a Times politics and policy site. Previously, he was a staff writer for The New Republic. Before entering journalism, he was a research assistant and Scoville Fellow at the Stimson Center “Improving the Norms and Practices of Policy Debate,” Nov 24, <http://www.cedadebate.org/forum/index.php/topic,5416.0.html>

So let me offer another possibility: the problem isn’t the topic, but modern policy debate. The unrealistic scenarios, exclusive focus on policy scholarship, inability to engage systemic impacts and philosophical questions. And so long as these problems characterize modern policy debate, teams will feel compelled to avoid it.¶ It might be tempting to assign the blame to “USFG should.” But these are bugs, not features of plan-focused, USFG-based, active voice topics. These bugs result from practices and norms that were initially and independently reasonable, but ultimately and collectively problematic. I also believe that these norms can and should be contested. I believe it would be possible for me to have a realistic, accessible, and inclusive discussion about the merits of a federal policy with, say, Amber Kelsie. Or put differently, I’m not sure I agree with Jonah that changing the topic is the only way to avoid being “a bunch of white folks talking about nuke war.”¶ The fact that policy debate is wildly out of touch—the fact that we are “a bunch of white folks talking about nuclear war”—is a damning indictment of nearly every coach in this activity. It’s a serious indictment of the successful policy debate coaches, who have been content to continue a pedagogically unsound game, so long as they keep winning. It’s a serious indictment of policy debate’s discontents who chose to disengage. ¶ That’s not to say there hasn’t been any effort to challenge modern policy debate on its own terms—just that they’ve mainly come from the middle of the bracket and weren’t very successful, focusing on morality arguments and various “predictions bad” claims to outweigh. ¶ Judges were receptive to the sentiment that disads were unrealistic, but negative claims to specificity always triumphed over generic epistemological questions or arguments about why “predictions fail.” The affirmative rarely introduced substantive responses to the disadvantage, rarely read impact defense. All considered, the negative generally won a significant risk that the plan resulted in nuclear war. Once that was true, it was basically impossible to win that some moral obligation outweighed the (dare I say?) obligation to avoid a meaningful risk of extinction.¶ There were other problems. Many of the small affirmatives were unstrategic—teams rarely had solvency deficits to generic counterplans. It was already basically impossible to win that some morality argument outweighed extinction; it was totally untenable to win that a moral obligation outweighed a meaningful risk of extinction; it made even less sense if the counterplan solved most of the morality argument. The combined effect was devastating: As these debates are currently argued and judged, I suspect that the negative would win my ballot more than 95 percent of the time in a debate between two teams of equal ability.¶ But even if a “soft left” team did better—especially by making solvency deficits and responding to the specifics of the disadvantage—I still think they would struggle. They could compete at the highest levels, but, in most debates, judges would still assess a small, but meaningful risk of a large scale conflict, including nuclear war and extinction. The risk would be small, but the “magnitude” of the impact would often be enough to outweigh a higher probability, smaller impact. Or put differently: policy debate still wouldn’t be replicating a real world policy assessment, teams reading small affirmatives would still be at a real disadvantage with respect to reality. . ¶ Why? Oddly, this is the unreasonable result of a reasonable part of debate: the burden of refutation or rejoinder, the responsibility of debaters to “beat” arguments. If I introduce an argument, it starts out at 100 percent—you then have to disprove it. That sounds like a pretty good idea in principle, right? Well, I think so too. But it’s really tough to refute something down to “zero” percent—a team would need to completely and totally refute an argument. That’s obviously tough to do, especially since the other team is usually going to have some decent arguments and pretty good cards defending each component of their disadvantage—even the ridiculous parts. So one of the most fundamental assumptions about debate all but ensures a meaningful risk of nearly any argument—even extremely low-probability, high magnitude impacts, sufficient to outweigh systemic impacts. ¶ There’s another even more subtle element of debate practice at play. Traditionally, the 2AC might introduce 8 or 9 cards against a disadvantage, like “non-unique, no-link, no-impact,” and then go for one and two. Yet in reality, disadvantages are underpinned by dozens or perhaps hundreds of discrete assumptions, each of which could be contested. By the end of the 2AR, only a handful are under scrutiny; the majority of the disadvantage is conceded, and it’s tough to bring the one or two scrutinized components down to “zero.”¶ And then there’s a bad understanding of probability. If the affirmative questions four or five elements of the disadvantage, but the negative was still “clearly ahead” on all five elements, most judges would assess that the negative was “clearly ahead” on the disadvantage. In reality, the risk of the disadvantage has been reduced considerably. If there was, say, an 80 percent chance that immigration reform would pass, an 80 percent chance that political capital was key, an 80 percent chance that the plan drained a sufficient amount of capital, an 80 percent chance that immigration reform was necessary to prevent another recession, and an 80 percent chance that another recession would cause a nuclear war (lol), then there’s a 32 percent chance that the disadvantage caused nuclear war. ¶ I think these issues can be overcome. First, I think teams can deal with the “burden of refutation” by focusing on the “burden of proof,” which allows a team to mitigate an argument before directly contradicting its content. ¶ Here’s how I’d look at it: modern policy debate has assumed that arguments start out at “100 percent” until directly refuted. But few, if any, arguments are supported by evidence consistent with “100 percent.” Most cards don’t make definitive claims. Even when they do, they’re not supported by definitive evidence—and any reasonable person should assume there’s at least some uncertainty on matters other than few true facts, like 2+2=4.¶ Take Georgetown’s immigration uniqueness evidence from Harvard. It says there “may be a window” for immigration. So, based on the negative’s evidence, what are the odds that immigration reform will pass? Far less than 50 percent, if you ask me. That’s not always true for every card in the 1NC, but sometimes it’s even worse—like the impact card, which is usually a long string of “coulds.” If you apply this very basic level of analysis to each element of a disadvantage, and correctly explain math (.4\*.4\*.4\*.4\*.4=.01024), the risk of the disadvantage starts at a very low level, even before the affirmative offers a direct response. ¶ Debaters should also argue that the negative hasn’t introduced any evidence at all to defend a long list of unmentioned elements in the “internal link chain.” The absence of evidence to defend the argument that, say, “recession causes depression,” may not eliminate the disadvantage, but it does raise uncertainty—and it doesn’t take too many additional sources of uncertainty to reduce the probability of the disadvantage to effectively zero—sort of the static, background noise of prediction.¶ Now, I do think it would be nice if a good debate team would actually do the work—talk about what the cards say, talk about the unmentioned steps—but I think debaters can make these observations at a meta-level (your evidence isn’t certain, lots of undefended elements) and successfully reduce the risk of a nuclear war or extinction to something indistinguishable from zero. It would not be a factor in my decision.¶ Based on my conversations with other policy judges, it may be possible to pull it off with even less work. They might be willing to summarily disregard “absurd” arguments, like politics disadvantages, on the grounds that it’s patently unrealistic, that we know the typical burden of rejoinder yields unrealistic scenarios, and that judges should assess debates in ways that produce realistic assessments. I don’t think this is too different from elements of Jonah Feldman’s old philosophy, where he basically said “when I assessed 40 percent last year, it’s 10 percent now.”¶ Honestly, I was surprised that the few judges I talked to were so amenable to this argument. For me, just saying “it’s absurd, and you know it” wouldn’t be enough against an argument in which the other team invested considerable time. The more developed argument about accurate risk assessment would be more convincing, but I still think it would be vulnerable to a typical defense of the burden of rejoinder. ¶ To be blunt: I want debaters to learn why a disadvantage is absurd, not just make assertions that conform to their preexisting notions of what’s realistic and what’s not. And perhaps more importantly for this discussion, I could not coach a team to rely exclusively on this argument—I’m not convinced that enough judges are willing to discount a disadvantage on “it’s absurd.” Nonetheless, I think this is a useful “frame” that should preface a following, more robust explanation of why the risk of the disadvantage is basically zero—even before a substantive response is offered.¶ There are other, broad genres of argument that can contest the substance of the negative’s argument. There are serious methodological indictments of the various forms of knowledge production, from journalistic reporting to think tanks to quantitative social science. Many of our most strongly worded cards come from people giving opinions, for which they offer very little data or evidence. And even when “qualified” people are giving predictions, there’s a great case to be extremely skeptical without real evidence backing it up. The world is a complicated place, predictions are hard, and most people are wrong. And again, this is before contesting the substance of the negative’s argument(!)—if deemed necessary.¶ So, in my view, the low probability scenario is waiting to be eliminated from debate, basically as soon as a capable team tries to do it.¶ That would open to the door to all of the arguments, previously excluded, de facto, by the prevalence of nuclear war impacts. It’s been tough to talk about racism or gender violence, since modest measures to mitigate these impacts have a difficult time outweighing a nuclear war. It’s been tough to discuss ethical policy making, since it’s hard to argue that any commitment to philosophical or ethical purity should apply in the face of an existential risk. It’s been tough to introduce unconventional forms of evidence, since they can’t really address the probability of nuclear war

Evaluate probability first – “1% doctrine” kills decision-making since any action has some risk, so avoiding risk freezes action and prevents change. Their risks are constructed to preserve the status quo – it’s the same strategy used to block every progressive reform like ending slavery and civil rights

Gender violence is a key causal factor for war – deconstructing it is a pre requisite to peace. **Cockburn 10**

- patriarchal violence RC war – solving it stops war

Cockburn 10 – visiting professor at Department of Sociology at City University London, honorary professor in the Centre for the study of gender and women at University of Warwick, Women in Black against War, Women’s International League for Peace and Freedom (Cynthia, “Getting to Peace: what kind of movement” womeninblack.org, <http://www.womeninblack.org/old/files/OpenDemGettingtoPeace.pdf>)

Diana Francis, in the third of her series of articles, asks ‘what underlies war’s continuing widespread acceptance?’ This is a useful approach to the roots of war, in my view, because it opens up to questions about society, people, you and me, who are implicitly the ones to accept (or question, or refuse) war. It invites us to interrogate a film like Avatar, which is so characteristic of the culture we live in, the culture that enables, limits and shapes us. It leads to an exploration of the continuum of violence, the connections between the explosive violence of actual war, the perennial violence inherent in our militarized condition, and violence in everyday life and everyday culture. If Mary Kaldor is right (see her contribution to this debate, ‘Reconceptualizing War‘) in saying that wars are very often fought, not to be won but rather as a kind of mutual enterprise in which the warring parties share some benefits, this too must point us towards an examination of cultures. Some of the benefits that war-making people and classes gain from the perpetuation of armed conflict will certainly be economic. But some may be advantages in self-identity as men, or regard and status with regard to other people and groups. What messages are we taking in, telling each other, that make fighting, deliberate injury and killing, seem reasonable, desirable – even glorious? Avatar is just one of a zillion instances of cultural production that normalize and glorify fighting, militarization and war. And this violent culture in which we’re immersed is profoundly gendered, as Diana Francis, and Shelley Anderson in her recent article ‘Vital Peace Constituencies’, point out. Gendered mindsets, expectations, behaviours and attitudes feed and are fed by films like this, by video games, advertising, the fashion industry and TV reality shows, that bombard our consciousness day in and day out. Masculinity and femininity are endlessly constituted in idealized, contrasted and complementary forms that are parodies of real human ‘being’. We are made over as avatars fitted out for a virtual world in which each sex is a truncated, incomplete human being, a world in which he will survive violence and deal it out, while she will allure, invite and comply. The feminist women and pro-feminist men who resist such deformation are so marginal to the narrative they scarcely make the list of credits. And, unfortunately, this is no cinema fantasy but the very world we live in. Gender struggle in the peace movement One thing I have discovered during research in and among peace movements is that a gender struggle goes on in them too. The majority of organizations are mixed. They have many women in the membership, though frequently the leading personalities and spokes-persons are male. In most countries however there are a handful of feminist antiwar, antimilitarist and peace organizations. These are often differentiated from the mainstream peace movements of which they are a part, and to which they contribute, by one particular quality. While they don’t fail to pay attention to the large-scale issues and events that concern all peace movements – weapons of mass destruction, huge global military expenditures, the worldwide system of United States military bases, and so on – they simultaneously call attention to more mundane violence and the individual lives it affects, to pain, care and responsibility. For instance, Okinawan Women Act Against Military Violence (OWAMMV), like the rest of the Japanese peace movement, are concerned with the huge burden of the US bases that spread their razor wire all over the archipelago. But they also campaign against the abuse, rape and murder of individual women that is too often associated with the areas of bars and brothels surrounding these bases. OWAAMV’s first act on learning of a new assault, however, is always to check on the wellbeing of the victim before launching (yet another) mass protest against the system that has harmed her. Likewise, In South Korea, Women Making Peace are notable for having introduced into the movement a stress on ‘peace culture’, changing lives and practices, starting with one’s own. Which does not mean they don’t go out to join demonstrations against sending troops to Afghanistan or Iraq, or join in the campaign for the reunification of Korea. They do that too. After spending time with the women of many such organizations, and as a member, myself, of both Women in Black and the Women’s International League for Peace and Freedom, it seems to me that together we are introducing a fresh new thought into the field of international relations and war studies. We are saying: if the gendered cultures of violence in everyday life bring about ‘widespread acceptance of war’, then gender relations, as we know and live them, must be recognized as, in fact, causal in war. I have argued as much in an article appearing next month in the International Feminist Journal of Politics. A predisposing cause Most visible in the news analysis of any given war, of course, are economic factors (access to resources and markets). And yes, fair enough, capitalist expansionism and corporate interests certainly do motivate war-making governments and other social actors. Also visible, perhaps more hyped, in the conventional analysis are political factors. And, indeed, wars often are about the control or exclusion of particular kinds of people (the ones the wrong side of a border, the ones with the wrong god, or skin colour, or national name). Sometimes these two sets of motivations are summed up as ‘greed and grievance’, or ‘capitalism and nationalism’ or ‘class and race’. But the male power system (still widely called patriarchy, for lack of a better name) is intertwined with the capitalist mode of production and the nationstate system among the causes of war. As a source of cultures that produce sexual divisions – sexual divisions of labour, of war, of love – gender power relations ready us all the time for violence. They are a predisposing cause. Raewyn Connell, a well-known theoretician of masculinity and gender power, endorses this view. She writes that ‘masculinities are the forms in which many dynamics of violence take shape’. While the causes of war are many, therefore, and include ‘dispossession, poverty, greed, nationalism, racism, and other forms of inequality, bigotry and desire... Yet given the concentration of weapons and the practices of violence among men, gender patterns appear to be strategic’ 2. If gender relations are indeed one of the root causes of war, it follows that transformative change in gender relations must be part of the effort for peace. Gender work is peace work. This opens the door to men in the peace movement. To quote R.W.Connell once again, ‘Evidently, then, strategy for demilitarization and peace must include a strategy of change in masculinities. This is the new dimension in peace work which studies of men suggest: contesting the hegemony of masculinities which emphasise violence, confrontation and domination, and replacing them with patterns of masculinity more open to negotiation, cooperation and equality’. Men in the peace movement Men in the peace movement could step through that open door now and work on a critique of the manipulation of masculinity for militarism, making it a conscious part of their antiwar activism. They could say, as we wrote on our banner at the Women’s Gate of the Aldermaston Blockade a month ago, ‘No fists, no knives, no guns, no bombs. No to all violence’. Such a simple slogan links, in one giddy move, bedroom and battlefield, the violence of so-called peace and that of so-called war, in a single continuum. That is, I think, a concept with a perspective capable of inspiring a movement on a matching scale. War culture is hegemonic in our society. It’s the prevailing common-sense. The antiwar movement is, by comparison, patchy, disparate, and on some issues even divided. Parts of it focus on nuclear weapons, parts on the arms trade, parts on contemporary war-fighting. Its discourses include various kinds of socialism, pacifism, feminism – and those of various religions. These sectors and segments pull together on some issues, part company on others. To prevail over the taken-for granted militarism of the dominant culture I believe the movement has to follow the lead of organizations such as OWAAMV and Women Making Peace, and others like them in different countries, and allow a critique of gender to become a prompt to reinterpret and transform the peace movement, its aims, its structures and its own cultures. What is today a movement against war could become something wider and deeper, effectively a counter-hegemonic movement, a nonviolent movement for a nonviolent world.

Rejection of the state assumes a public private dichotomy that perpetuates massive violence against women. **Vojdik 07**

Valorie K. Vojdik, Conceptualizing Intimate Violence and Gender Equality: A Comparative Approach, Fordham International Law Journal, Volume 31, Issue 2 2007

More than ten years after the adoption of the Declaration for the Elimination of Violence against Women, the U.S. Supreme Court has refused to recognize a constitutional right to protection from domestic violence. In contrast, the South African Constitutional Court has recognized that the State has affirmative obligations to prevent and eliminate domestic violence. The difference does not merely result from doctrinal differences; it also reflects different conceptions of domestic violence and gender equality. By understanding domestic violence as a means of gender subordination, the Constitutional Court has been able to acknowledge the role of the State in perpetuating violence. The U.S. Supreme Court, on the other hand, characterizes domestic violence as a gender-neutral crime that does not implicate equality or other civil rights. The difference in conceptualization of intimate violence and its relationship to gender equality arises in part from the different jurisprudence of the right to equality. By embracing formal equality as the measure of the right to equal protection, the U.S. Supreme Court has largely ignored the context in which violence occurs and its concrete effects on women's ability to fully enjoy the fundamental rights to life, liberty, and equal protection guaranteed by the Constitution. Instead, the Supreme Court has chosen to conceptualize intimate violence against women in the abstract. Decisions about whether to recognize a constitutional right to be free from private violence, for example, turn not on a contextualized discussion of the concrete, real-life impact of violence on women. Instead, the U.S. Supreme Court engages in what MacKinnon and others refer to as "categorical formalism," a barren analytical move that denies the gendered nature and effects of violence, ignores the history of state condemnation of violence against women, and continues to dichotomize the private (family) and the public (state), relegating violence against women to the private and local rather than invoking the power of the federal constitution to protect the very life and liberty of women.223 By examining the changing conceptions of violence against women in international law and the jurisprudence of the South African Constitutional Court, the limitations of the U.S. approach become clear. To the extent that the Supreme Court has signaled a willingness to consider international law and norms with respect to homosexuality and cases involving the death penalty,2 2 4 engaging in a comparative analysis of the jurisprudence of violence against women hopefully will broaden the Court's understanding of the relationship between violence against women and women's right to equality under the federal Constitution. This is not to say that the human rights approach is the silver bullet to eradicating violence against women. In evaluating the transformative potential of a human rights approach to domestic violence, it is important to consider the practical difficulties in employing the international conventions, declarations and documents that define domestic violence as discrimination. The 2006 report of the Special Rapporteur on Violence Against Women, for example, takes a critical look at the effectiveness of the due diligence standard in eradicating the causes of genderbased violence. 225 The Special Rapporteur concludes that States have focused their due diligence efforts on legislative reform, access to justice, and the provision of services to victims. 226 The focus has been on violence after it has occurred rather than on efforts to prevent violence, compensate victims, and hold nonstate actors responsible for their acts. 227 In particular, the Report concludes that States have neglected their obligation to transform the patriarchal social structures and cultural values that condone and perpetuate violence against women. 22 The challenge remains to eliminate the root causes and consequences of domestic violence. The transformative potential of the legal rights afforded wo- men in South Africa also faces substantial challenges, both social and economic. As Penelope Andrews argues, the legacy of racism and apartheid includes a deep-rooted masculinist culture that perpetuates women's subordinate position through violence. 229 Andrews identifies three manifestations of South African culture that have produced a masculinist culture that condones violence against women: the maintenance of apartheid through militarization and forced conscription of white men, who engaged in brutal tactics to repress blacks; the valorization of black men in the townships who confronted the apartheid regime and developed a culture of violence, including sexual violence against women, as part of their masculine identity; and the role of traditional customary law in enforcing the subordination of women. 230 The roots of violence toward women cannot be solved by mere invocation of constitutional rights. The transformative potential of the guarantee of socioeconomic rights similarly is limited by a lack of economic resources sufficient to eliminate the glaring inequalities and poverty faced by the majority of South Africans. 23 1 As of 2001, approximately 57% of South Africans lived below the poverty line.23 9 Between 1996 and 2001, the percentage of persons below the poverty line did not change; the gap between the rich and the poor in fact widened.233 With more resources, the government of South Africa would be better able to provide shelter and services for victims of domestic violence as well as reduce the socioeconomic inequalities faced by women that make them particularly vulnerable to violence. Despite these limitations, many in South Africa continue to believe in the power of the Constitution to inspire a vision of a more equitable society that can make the promise of substantive equality real.2 34 The shift toward a human rights approach to intimate violence offers a contextualized understanding of the relationship between intimate violence and gender subordination. Recognizing the pervasiveness of violence against women and the devastating consequences on women's daily lives is a critical first step in devising strategies to empower women and liberate their full potential as equal citizens.

State influence inevitable - only mobilizing focus on reforms can effectively challenge gender violence. **Connell 90**

R. W. Connell 90, “The State, Gender, and Sexual Politics: Theory and Appraisal”, Theory and Society, Vol. 19, No. 5, (Oct., 1990), pp. 507-544, <http://www.jstor.org/stable/657562>

Because of its power to regulate and its power to create, the state is a major stake in gender politics; and the exercise of that power is a constant incitement to claim the stake. Thus the state becomes the focus of interest-group formation and mobilization in sexual politics. It is worth recalling just how wide the liberal state's activity in relation to gender is. This activity includes family policy, population policy, labor force and labor market management, housing policy, regulation of sexual behavior and expression, provision of child care, mass educa- tion, taxation and income redistribution, the creation and use of mili- tary forces - and that is not the whole of it. This is not a sideline; it is a major realm of state policy. Control of the machinery that conducts these activities is a massive asset in gender politics. In many situations it will be tactically decisive. The state is therefore a focus for the mobilization of interests that is central to gender politics on the large scale. Feminism's historical con- cern with the state, and attempts to capture a share of state power, appear in this light as a necessary response to a historical reality. They are not an error brought on by an overdose of liberalism or a capitula- tion to patriarchy. As Franzway puts it, the state is unavoidable for feminism. The question is not whether feminism will deal with the state, but how: on what terms, with what tactics, toward what goals.5" The same is true of the politics of homosexuality among men. The ear- liest attempts to agitate for toleration produced a half-illegal, half-aca- demic mode of organizing that reached its peak in Weimar Germany, and was smashed by the Nazis. (The Institute of Sexual Science was vandalized and its library burnt in 1933; later, gay men were sent to concentration camps or shot.) A long period of lobbying for legal reform followed, punctuated by bouts of state repression. (Homosexual men were, for instance, targeted in the McCarthyite period in the United States.)The gay liberation movement changed the methods and expanded the goals to include social revolution, but still dealt with the state over policing, de-criminalization, and anti-discrimination. Since the early 1970s gay politics has evolved a complex mixture of confrontation, cooperation, and representation. In some cities, including San Francisco and Sydney, gay men as such have successfully run for public office. Around the AIDS crisis of the 1980s, in countries such as the United States and Australia, gay community based organizations and state health services have entered a close - if often tense - long-term relationship.' In a longer historical perspective, all these forms of politics are fairly new. Fantasies like Aristophanes's Lysistrata aside, the open mobilization of groups around demands or programs in sexual politics dates only from the mid-nineteenth century. The politics that characterized other patriarchal gender orders in history were constructed along other lines, for instance as a politics of kinship, or faction formation in agri- cultural villages. It can plausibly be argued that modern patterns re- sulted from a reconfiguration of gender politics around the growth of the liberal state. In particular its structure of legitimation through plebiscite or electoral democracy invited the response of popular mobilization

### Part Five is Theory

AFF gets RVIs –

1. AFF flex – neg has the ability to collapse to either layer so aff needs the same ability for the 2AR – this outweighs. **A.** 2NR collapse – time skew becomes 6-1 since I cover multiple layers, which makes it impossible to win **B.** 1AR is too short to read theory compared to the neg so AFF needs each layer to be reciprocal rather than adding more unreciprocal avenues

2. Only neg can read T because only AFF has a T burden so since aff can’t reciprocally respond they need the RVI to compensate for neg’s unique avenue to the ballot.

Exclusive focus on reps erodes meaningful reversal of structures of exploitation. **Giroux 06**

Henry Giroux 06, prof of edu and cultural studies at Penn State, 6 (Comparative Studies of South Asia)

Abstracted from the ideal of public commitment, the **new authoritarianism represents a** political and economic practice and **form of militarism that loosen[s] the connections among** substantive **democracy**, critical agency, **and critical education. In opposition** to the rising tide of authoritarianism, **educators** across the globe **must make a case for linking learning to progressive social change** while struggling to pluralize and critically engage the diverse sites where public pedagogy takes place. In part, this suggests forming alliances that can make sure every sphere of social life is recognized as an important site of the political, social, and cultural struggle that is so crucial to any attempt to forge the knowledge, identifications, effective investments, and social relations that constitute political subjects and social agents capable of energizing and spreading the basis for a substantive global democracy. **Such circumstances require** that **pedagogy be embraced as a moral and political practice**, one that is directive and not dogmatic, an outgrowth of struggles designed **to resist the increasing depoliticization of political culture that is the hallmark of** the current **Bush** revolution**. Education is the terrain where consciousness is shaped**, needs are constructed, **and the capacity for** individual self-reflection and **broad social change is nurtured** and produced. Education has assumed an unparalleled significance in shaping the language, values, and ideologies that legitimize the structures and organizations that support the imperatives of global capitalism. Efforts to reduce it to a technique or methodology set aside, education remains a crucial site for the production and struggle over those pedagogical and political conditions that provide the possibilities for people to develop forms of agency that enable them individually and collectively to intervene in the processes through which the material relations of power shape the meaning and practices of their everyday lives. Within the current historical context, struggles over power take on a symbolic and discursive as well as a material and institutional form. The struggle over education is about more than the struggle over meaning and identity; it is also about how meaning, knowledge, and values are produced, authorized, and made operational within economic and structural relations of power. Education is not at odds with politics; it is an important and crucial element in any definition of the political and offers not only the theoretical tools for a systematic critique of authoritarianism but also a language of possibility for creating actual movements for democratic social change and a new biopolitics that affirms life rather than death, shared responsibility rather than shared fears, and engaged citizenship rather than the stripped-down values of consumerism. **At stake here is combining symbolic forms** and processes **conducive to democratization with** broader social contexts and the **institutional formations of power itself. The key point** here **is to** understand and **engage educational** and pedagogical **practices from the point of** view of **how they are bound up with larger relations of power. Educators**, students, and parents **need to be clearer about how power works through** and in texts, **representations**, and discourses, **while at the same time recognizing** that **power cannot be limited to the study of** representations and **discourses, even at the level of public policy. Changing consciousness is not the same as altering the** institutional basis of oppression; at the same time, institutional **reform cannot take place without a change in consciousness capable of recognizing not only injustice but also the very possibility for reform, the capacity to reinvent the** conditions [End Page 176] and **practices that make a more just future possible.** In addition, it is crucial to raise questions about the relationship between pedagogy and civic culture, on the one hand, and what it takes for individuals and social groups to believe that they have any responsibility whatsoever even to address the realities of class, race, gender, and other specific forms of domination, on the other hand. For too long, the progressives have ignored that the strategic dimension of politics is inextricably connected to questions of critical education and pedagogy, to what it means to acknowledge that education is always tangled up with power, ideologies, values, and the acquisition of both particular forms of agency and specific visions of the future. The primacy of critical pedagogy to politics, social change, and the radical imagination in such dark times is dramatically captured by the internationally renowned sociologist Zygmunt Bauman. He writes, Adverse odds may be overwhelming, and yet a democratic (or, as Cornelius Castoriadis would say, an autonomous) society knows of no substitute for education and self-education as a means to influence the turn of events that can be squared with its own nature, while that nature cannot be preserved for long without "critical pedagogy"—an education sharpening its critical edge, "making society feel guilty" and "stirring things up" through stirring human consciences. The fates of freedom, of democracy that makes it possible while being made possible by it, and of education that breeds dissatisfaction with the level of both freedom and democracy achieved thus far, are inextricably connected and not to be detached from one another. One may view that intimate connection as another specimen of a vicious circle—but **it is within that circle that human hopes and the chances of humanity are inscribed, and can be nowhere else**.59

# Frontlines – Plan

## Solvency

### IPV Reduction

The plan has empirically worked and massively reduces IPV. **Everytown 15**

Every Town, State Background Check Requirements and Rates of Domestic Violence Homicide, 1/15/15. NS

Loopholes in federal and state law make it easy for dangerous people – including domestic abusers – to get guns. But Everytown’s research shows that common-sense public safety laws can help reduce intimate partner gun violence of women and save lives. Simply put, background check laws make women safer: Controlling for population, there are 46 percent fewer intimate partner gun homicides of women in states that require background checks for private handgun sales than in states that do not. Methodology: Everytown compared the number of women killed with guns by current or former male partners (husband, ex-husband, common-law husband, or boyfriend) over a five-year period (2008-12) in states that did or did not require background checks for unlicensed, “private” handgun sales. Data were obtained from the FBI’s Supplementary Homicide Reports (SHR).1 The SHR do not include data from the state of Florida. We obtained data for that state directly from the Florida Department of Law Enforcement. Women killed by former (as opposed to current) dating-partners are not categorized in the data, and could not be included. The SHR data is periodically updated as new information on deaths becomes available. This analysis used data obtained on September 25, 2014. Results Throughout the study period, 14 states and the District of Columbia2 required all gun buyers to undergo background checks before buying handguns in unlicensed sales, and 36 states did not. During that period, the FBI and Florida Department of Law Enforcement recorded 911 gun homicides of women by current or former intimate partners in the former group of states, and 2,199 in the latter. Adjusting for population, there were 46 percent fewer intimate partner gun homicides of women in states that require background checks for all handgun sales than in states that do not.

### Stalkers

Stalkers getting access to guns poses a major risk to survivors – plan is empirically effective. **Gerney and Parsons 14**

Arkadi Gerney and Chelsea Parsons. Women Under the Gun. How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them. Center for American Progress. June 2014. DD

Stalking is generally defined as a course of conduct that would place a reasonable person in fear for his or her physical safety.31 Stalking occurs both in the context of intimate partner relationships and among acquaintances or strangers. It is most prevalent in the intimate partner context: Data from the CDC’s 2010 National Intimate Partner and Sexual Violence Survey found that 66 percent of female stalking victims were stalked by a current or former intimate partner, while 24 percent were stalked by an acquaintance, and 13 percent were stalked by a stranger.32 Stalking is one of the many methods abusers use to exert power and control over victims and is often reported as part of domestic abuse complaints. Indeed, one study that reviewed 1,785 domestic violence crime reports found that one in six cases had evidence of stalking.33 Yet the current federal domestic violence prohibition does not include individuals convicted of misdemeanor stalking crimes, even when the conviction arises in an intimate partner context. Every state has made stalking a crime, although the specific definitions and elements of these laws vary widely.34 Nearly every state has a felony stalking crime, and individuals convicted of this crime for stalking intimate partners, acquaintances, or strangers—like any other convicted felon—will be prohibited under federal law from buying or possessing guns. But 42 states also have misdemeanor-level stalking crimes, which are generally punishable by less than one year in jail. Only nine of these states have enacted a law that bars all individuals convicted of this misdemeanor crime from possessing guns, and two additional states bar some convicted misdemeanant stalkers. This means that individuals convicted of misdemeanor stalking remain free to purchase guns in most parts of the country. While there may be a perception that stalking conduct that has not risen to the level of a felony conviction is not serious enough to justify taking away a person’s gun rights, there is substantial research that demonstrates a connection between stalking and future escalating violence against women. This is particularly true in the intimate partner context. One study found that 81 percent of women stalked by a current or former intimate partner were also physically abused by that person.35 Another study of female murder victims in 10 cities found that 76 percent of women murdered and 85 percent of women who survived a murder attempt by a current or former intimate partner experienced stalking in the year preceding the murder.36 These data demonstrate that while stalking may appear to be low-level, nonviolent behavior that does not warrant a strong response from the criminal justice system, this conduct is often the first step in an escalating course of conduct that too often tragically results in murder. This is also illustrated by a number of recent tragic cases from around the country of stalkers-turned-murderers. For example, in Ocean Springs, Mississippi, Amanda Salas was shot and killed by an ex-boyfriend in March 2014 following weeks of escalating stalking and after she obtained an emergency protective order.37 In another case in Louisville, Kentucky, Michelle Hahn was killed with one shot to the head at point-blank range in a Wal-Mart parking lot in 2012 by a man she had dated briefly who had a 17-year history of stalking various women.38 Preliminary research also suggests that stalking is startlingly prevalent in the United States. According to the 2010 National Intimate Partner and Sexual Violence Survey—an ongoing national survey conducted by the CDC to assess experiences of intimate partner violence, sexual violence, and stalking among adult men and women in the United States—an estimated 16.2 percent of U.S. women experience stalking in their lifetimes, which amounts to an estimated 19 million women nationwide.40 These numbers vary widely by state; an estimated 24.7 percent of women in Kentucky will experience stalking, 24.4 percent in Nevada, and 22.3 percent in New Mexico and Oklahoma.41 Women are more often the victims of stalking than men: One in six women are stalked in their lifetimes, compared to 1 in 19 men. The high numbers of reported stalking victims across the country do not always translate into criminal convictions. For example, the law-enforcement agencies that received grant funding from the Office on Violence Against Women in 2010 to engage in enforcement activities related to stalking reported making arrests in only 42 percent of the stalking cases they investigated.43 A previous study of domestic violence crime reports yielded similar results: Of the 1,785 cases reviewed, one in six had evidence of stalking, yet only one case resulted in formal stalking charges.44 Another study estimated that for every case of partner stalking identified by police, 21 cases were missed.45 There are a few reasons for this, including inadequate training of law-enforcement officers in some jurisdictions to understand and recognize stalking as a serious crime and confusing state stalking laws that make it difficult to determine whether an individual has committed a crime.46 As one police officer in Fairfax County, Virginia, explained: One area of remaining need for improving services is educating law enforcement on the elements of stalking and what this crime has the potential of being (ie, rape, homicide, physical assault). I don’t think that it’s an issue of avoidance on the [officer’s] part, simply of not enough knowledge on the subject.47 Despite these challenges in identifying and prosecuting stalkers, there are significant numbers of individuals convicted of misdemeanor-level stalking crimes each year, most of whom remain free to buy and possess firearms. The Center for American Progress obtained data from 20 states regarding the number of individuals convicted of misdemeanor stalking and found that over the past decade, at least 11,986 individuals have been convicted of this offense in these 20 states alone.48 This is a significant undercount of the total number of convicted misdemeanor stalkers in the nation, as not every state with a misdemeanor stalking crime provided data and not every state that did provide data did so for each of the previous 10 years. What these numbers show is that there are a significant number of convicted stalkers across the country who are free to buy and possess guns, despite their demonstrated history of dangerous and predatory behavior. In Georgia alone, for example, between 2003 and 2012, 3,105 individuals were convicted of misdemeanor stalking. In North Carolina, 1,134 individuals were convicted of misdemeanor stalking between 2004 and 2013. In Kentucky between 2003 and 2013, 758 individuals were convicted of this offense. In all of these states, these convicted stalkers are permitted to buy guns despite the known risk they pose of future violence. By contrast, the 1,150 individuals in New York state convicted of misdemeanor stalking between 2004 and 2013 are barred from gun possession because New York is one of the nine states that do not allow those with misdemeanor stalking convictions to possess guns.

## Add-Ons

### Race

IPV is a disproportionate problem for black women – not because black men are inherently violent but because institutional factors contribute to excessive demands of masculinity that affirms itself through gun violence – traditional discourse about gun violence pushes black women to the margin, so gun control is a necessary intermediate step before larger reforms can occur. **Brittney Cooper 15**

Brittney Cooper [a contributing writer at Salon, and teaches Women's and Gender Studies and Africana Studies at Rutgers.] “The gun crisis we aren’t talking about: Black women are under attack — and America doesn’t care” Salon. October 21, 2015. CC

The Black Lives Matter Movement has popularized a statistic released a few years ago in a report by the Malcolm X Grassroots Movement. The report found that a Black person is killed every 28 hours by a law enforcement officer or vigilante. A new study released by the Violence Policy Center provides another alarming statistic: Once every 21 hours, a Black woman is a victim of fatal intra-racial violence by a male perpetrator. According to that study, which tracks the number of women killed by men each year, more than 1,600 women were murdered by men in single victim/single offender incidents in 2013. (Because the study only accounts for wives, ex-wives or current girlfriends, taking ex-girlfriends into account would surely make that number even higher.) Ninety-four percent of these women were killed by men they knew and 62 percent were wives or intimate acquaintances of their killers. Black Americans make up 14 percent of the population, and yet, of those 1,600 murders, 453 — or 28 percent — were black women. Of those 453 murders, 416 were intra-racial. Thus: Once every 19 hours a Black woman is killed by a man. Once every 21 hours a Black woman is killed by a Black man. 92 percent of the time she knows her murderer. 56 percent of the time, she is wife, ex-wife or girlfriend of her killer. The study does not account for ex-partners or ex-girlfriends, a fact which would surely make that percentage skew higher. In these incidents, the most common weapon used was a gun. \* \* \* Far too often when we speak about our national epidemic of gun violence, our outrage is tethered to sensational cases, like the killing of the Charleston 9 or the recent slaughter of students at an Oregon community college. After these incidents occur, we commence our usual handwringing about the culture of gun violence. Existing discourses about violent crime continue to make Black women intersectionally invisible. Within Black political discourses, the focus on intracommunal and intraracial crime usually centers on violent neighborhood-based crime, perpetrated by young men. Within our broader national conversation about gun control, female victims of lethal intimate partner violence are rarely the driving force for the conversation. And within our broader national narrative about Black lives, we focus primarily on the high number of killings of Black male victims by police. Talking about domestic violence in Black communities when appalling stories like the police killing of Corey Johnson emerge seems like a hard call to make. The statistics from the Violence Policy Center do not take into account the epidemic of murders of trans women of color that LGBTQ activists have brought to our attention in the last several years. On October 15, a young man of color fatally shot Zella Ziona, a trans Black woman, after their friendship became public knowledge. We have had over 20 such murders of trans people this year, most of them women of color. Sometimes these women are victims of targeted hate crimes by cisgender men who seek to police and punish trans women for daring to occupy public space. Sometimes these men have had intimate or sexual interactions with transwomen, after which they choose to enact brutal and transphobic forms of violence. Intimate partner violence is always about power and control, and Black feminist theorists have long named the particular vulnerabilities that (cisgender) Black women in heterosexual partnerships face when their husbands or significant others are structurally foreclosed access to the privileges of patriarchy. Black men don’t just take out their frustrations about white supremacy and white male privilege on other Black men; they come home and take it out on the bodies of women they claim to love. To be clear, most crime is intra-racial, despite conservative public narratives about Black-On-Black crime. So in naming the problem of fatal domestic violence that we have in Black communities, I am not attempting to pathologize Black people. People commit crime where they live, against those in closest proximity to them. But uninterrogated masculinity is a violent enterprise, period. It does not matter the race (or the sex) of the body opting to perform masculinity. If the person does not question what masculinity means, then misogyny, violence, domination and control are par for the course. Even our national political discourse on guns frequently pits one group of men arguing with another group men over their right to have access to guns. But women will not be safe until we create a comprehensive national framework for thinking about domestic violence as structural and state-sanctioned violence. Gabby Giffords’ new Women’s Coalition for Common Sense (on which I serve) is doing work to make the connection between guns and domestic violence, and it is work I applaud. If the state refuses to regulate guns, it continues to support and facilitate a culture where all its citizens are vulnerable to victimization, women and children being chief among them. At the same time, Black political discourses about the value of Black life have severe blind spots when they fail to consider domestic violence as a form of structural and state-sanctioned violence, in which cisgender Black men collude with the state against the well-being of Black women and girls, cis and trans. We are long overdue for creating a comprehensive framework for talking about violence toward Black women, trans\* and cis, that takes into account these forms of structural vulnerability. That conversation will necessarily demand that we interrogate the violent, limited, and narrow forms of masculinity which Black men are asked to perform in churches, in politics, and in cultural production. But while Black communities engage in that work, we need comprehensive gun control legislation. Too many Black (women’s) lives are circumscribed by the barrel of a too-easily accessible handgun. Like the vast majority of Black people I know, I am intimately aware of the way that both women and men in Black communities lose when we fail to demand a shift in the culture of patriarchal violence. I lost my father to gun violence, after he was trying to protect a woman he was dating from a man she knew who had a gun and a temper. Another of my close female relatives survived horrific gun violence at the hands of an intimate partner. And one of my siblings is now co-parenting her partner’s son, because his mother was stalked and murdered by her male intimate partner last year. The brutalization of Black women is quotidian. The murders of cis and trans\* women are usually not committed by the police or by vigilantes. Because of this, these deaths don’t galvanize national movements. Black women are taught to protect the embattled social image of Black men at all costs, even at the cost of our own lives, so we frequently refuse to tell the truth about the levels of brutality we experience. But any time I’m sitting in a room with more than three Black women, if I sit long enough, all three can tell a story of some form of horrific physical or sexual violence that she or another woman whom she cares deeply about has experienced. The truth of it is this: Once a day and something like twice on Sundays, a Black man takes a Black woman to meet her maker. Now we are not solely responsible for this monstrous terrain of Black intimacies. Black folks rarely get to love other Black folks on their own terms. We know Black men are not monsters. We don’t need or require Black women to be angels. But our shared intimate terrain has become a killing field, and this is simply no way to live. Together, in community, we must figure our way out of no way.

IPV disproportionately affects black women but cultural stigma pushes it to the margin – exposure is key to prevent black women from being treated as invisible. **Jones 14**

Feminista Jones, "Why Black Women Struggle More With Domestic Violence," TIME, http://time.com/3313343/ray-rice-black-women-domestic-violence/, September 10, 2014. CC

Domestic and intimate partner violence (DV/IPV) is a “family secret” in our Black communities. While I’m not suggesting that all Black people think and function in similar enough ways that we could all be labeled simply as one “community,” I do know we have pervasive problems that require nuanced discourse — especially in light of the national conversation about domestic abuse that has erupted over the last week. Since Ray Rice, former Baltimore Ravens running back, was indefinitely suspended because a video was released of him punching his then-fiancée Janay until she was unconscious, there have been many conversations about violence between partners, and about the particular vulnerability of Black female victims. Much of the discussion has centered around the level of empathy and compassion shown toward victims like Janay, who choose to remain with their abusers. These events have forced the country to face difficult truths about how prevalent domestic and intimate partner violence (DV/IPV) is in America. According to the National Coalition Against Domestic Violence, an estimated 1.3 million American women experience DV/IPV each year. Women make up 85% of the victims of DV/IPV. Despite this, most cases are never reported to the police and most women are victimized by people they know. And for Black women, it’s an even bigger problem: Black women are almost three times as likely to experience death as a result of DV/IPV than White women. And while Black women only make up 8% of the population, 22% of homicides that result from DV/IPV happen to Black Women and 29% of all victimized women, making it one of the leading causes of death for Black women ages 15 to 35. Statistically, we experience sexual assault and DV/IPV at disproportionate rates and have the highest rates of intra-racial violence against us than any other group. We are also less likely to report or seek help when we are victimized. The reasons Black women suffer disproportionately from abuse are complex. Racism and sexism are two of the biggest obstacles that Black women in America face. But because many Black women and men believe racism is a bigger issue than sexism, Black women tend to feel obligated to put racial issues ahead of sex-based issues. For Black women, a strong sense of cultural affinity and loyalty to community and race renders many of us silent, so our stories often go untold. One of the biggest related impediments is our hesitation in trusting the police or the justice system. As Black people, we don’t always feel comfortable surrendering “our own” to the treatment of a racially biased police state and as women, we don’t always feel safe calling police officers who may harm us instead of helping us. And when we do speak out or seek help, we too often experience backlash from members of our communities who believe we are airing out dirty laundry and making ourselves look bad in front of White people. Access to employment and economic self-sufficiency are also important. Racism has a disparate impact on Black people, men especially, who have, for the past six decades, consistently been held to an unemployment rate almost double that of white men. In a society that measures “manhood” primarily by one’s ability to provide, being denied access to the means to provide can cause some men to seek power through dominating women. For some men, the venting of anger turns violent and their partners suffer the greatest blows. Black women also face employment disparities, earning less than Black men and White men and women. This wage disparity limits available options and leaves many women, particularly mothers, feeling trapped in bad relationships where financial needs trump all. Spiritual beliefs and negative views about mental health services also factor into why many Black women remain with abusive partners. One in three Black Americans who need mental health treatment actually receive it, and we are more likely to rely on religious guidance and faith-based practices when working through relationship issues. Religious beliefs often discourage divorce, encourage forgiveness and occasionally condemns those who seek psychiatric services instead of relying on faith. Black women’s perceptions of what constitutes abuse have been influenced by their negotiation of spiritual and mental health beliefs and how they have shaped our paradigms. Researchers have also found that Black women report feeling more obligated to fight back than to report abuse and that is reflected in the disproportionate rates of DV/IPV reported by Black men. Our attempts to embody the “strong Black woman” stereotype have often done more harm than good, to us and those we love. There is a lot we don’t fully understand about the unique ways in which Black women endure DV/IPV because the lack of empirical research is indicative of what may simply be lack of empathy and concern for what Black women experience. I have been a fierce advocate for Black women and a mental health social worker for more than a decade and I have learned that we cannot win this fight if we don’t acknowledge any such fight exists to begin with. We need to continue speaking out and social media has become valuable in helping victims share their stories and learn about resources that can help. We need to push for stronger laws that punish criminal abusers and we need to advocate for more treatment options for victims and abusers who seek help. We need to fund advocacy programs and supportive services for victims of DV/IPV and work on reducing the stigma attached to seeking help when one is in trouble. Most of all, we need to believe that Black girls and women are valuable, important and worth putting ourselves and our personal safety first, and in our society that might be the hardest thing of all. For too long, the experiences of Black women have been ignored, particularly when it comes to those that affect our overall health and well-being. For centuries, our bodies and labor have been exploited to serve the needs of everyone but ourselves, and the physical and psychological toll can no longer be swept under the rug. Black women matter and the longer we remain invisible and have our dignity stripped and our humanity disregarded, the closer we get to the destruction of our families and communities. We must all work to end the marginalization of Black women and focus our energies on amplifying our voices and sharing what we go through at home, at work and in our communities.

## A2 Turns

### A2 Deterrence

1. The plan only bans guns for convicted abusers – it still allows women to own guns and allows a lot of guns in society so there’s still deterrence

2. Having handguns is not a deterrent – best studies prove right to carry laws significantly increase violent crime. **Donohue 15**

John Donohue, "Ban guns, end shootings? How evidence stacks up around the world," CNN, http://www.cnn.com/2015/08/27/opinions/us-guns-evidence/, August 27, 2015. CC

For years, the NRA mantra has been that allowing citizens to carry concealed handguns would reduce crime as they fought off or scared off the criminals. Some early studies even purported to show that so-called right to carry laws (RTC) did just that, but a 2004 report from the National Research Council refuted that claim (saying it was not supported by "the scientific evidence"), while remaining uncertain about what the true impact of RTC laws was. Ten years of additional data have allowed new research to get a better fix on this question, which is important since the NRA is pushing for a Supreme Court decision that would allow RTC as a matter of constitutional law. The new research on this issue from my research team at Stanford University has given the most compelling evidence to date that RTC laws are associated with significant increases in violent crime -- particularly for aggravated assault. Looking at Uniform Crime Reports data from 1979-2012, we find that, on average, the 33 states that adopted RTC laws over this period experienced violent crime rates that are 4%-19% higher after 10 years than if they had not adopted these laws. This hardly makes a strong case for RTC as a constitutional right. At the very least more research is needed to estimate more precisely exactly how much violent crime such a decision would unleash in the states that have so far resisted the NRA-backed RTC laws. In the meantime, can anything make American politicians listen to the preferences of the 90% on the wisdom of adopting universal background checks for gun purchases?

### A2 Self Defense – Generic

The aff only takes away guns from people convicted of committing IPV, not survivors who need to defend themselves. Abusers don’t use guns for self defense, only to hurt others.

### A2 Substitution Effect

Mascia is specific to the plan and outweighs – even if substitution happens in general it doesn’ for our AFF

Dixon destroys this:

1. Concealibility is uniquely important in the home because survivors have time to run away

2. Their threshold for increased violence is made up and based on target practice – even if long guns are more lethal they’re much harder to shoot a close fast moving target

3. Their ev is criminals who say they would act violently –they exaggerate and don’t represent the general population

Kleck’s study found no increase in lethality. **Lambert 02**

Tim Lambert, Lethality of handguns vs long guns, May 21, 2002

You argue that long guns are “much more lethal” than handguns because their projectiles have much more kinetic energy. However, it is not at all clear that lethality should be strongly related to kinetic energy (for example, consider what happens when a bullet passes completely through the victim). It is surely better to look at empirical evidence on how serious the different sorts of gunshot wounds are. The only study I have found to cast light on this is [J of Trauma 38:2 p291-298]. The authors measured the cost of treatment for patients hospitalized in a Los Angeles medical centre for different sorts of firearm injuries. The mean cost for handgun injuries was $6,400, for rifle injuries was $8,443 and for shotgun injuries was $3,385. Rifle wounds are somewhat more serious than handgun wounds but not that much, while shotgun wounds less so. We should also consider the possibility that long guns might be more (or less) likely to be fired or to hit. A study that sheds some light here is by Kleck and McElrath [Social Forces 69:669-92] who did a multivariate analysis on NCS and SHR data. The analysis implied that whether the attacker was armed with a handgun or long gun made little diference to the probability that the victim would end up dead. I write “the analysis implied” rather than “they found” because Kleck, who argues that substitution from hand guns to long guns would result in more deaths, failed to notice this fact.

Kopel is on the board of several right-wing NRA sponsored organizations and has strong political incentive to exaggerate

Reduction in crimes outweighs. **Vernick 99**

Jon S Vernick, Daniel W Webster, and Lisa M Hepburn [Johns Hopkins School of Public Health, Center for Injury Research and Policy and Center for Gun Policy and Research], “Effects of Maryland’s law banning Saturday night special handguns on crime guns.” *Injury Prevention*1999, 5: 259-263 doi:10.1136/ip.5.4.259. DT.

Methodology:

Objectives—To determine the effects of a 1988 Maryland law that banned “Saturday night special” handguns on the types of guns used in crime. To determine if controls on the lawful market for handguns affect the illegal market as well.

Setting—Baltimore, Maryland, and 15 other US cities participating in a crime gun tracing project.

Methods—Cross sectional comparison of the proportion of crime guns that are banned by the Maryland law, comparing Baltimore, MD with 15 other cities outside of Maryland. Multivariate linear regression analysis to determine if observed differences between Baltimore and 15 other cities are explained by demographic or regional differences among the cities rather than Maryland's law.

We identified six handguns that met our definition of a substitution gun. Most numerous among these non-banned guns were the Davis P32, Davis P38, and Phoenix HP22. Others included inexpensive handgun models made by HiPoint, New England Firearms, and Stallard Arms. Taken together, the six **non-banned guns were somewhat less likely** (RR 0.8, 95% CI 0.7 to 0.9) **to be among the crime guns in the 15 other cities** (5.5% of crime guns) **than in Baltimore** (6.9%). If **banned guns and these six non-banned guns are considered together, however, they represent 15.7% of crime guns in Baltimore, compared with 25.2% in the other 15 cities** combined (RR 1.6, 95% CI 1.5 to 1.7). **Thus, the reduction in the proportion of banned guns** among Baltimore's crime guns **is larger than any substitution effect to** these six **non-banned guns.** Similarly, **there was no evidence of meaningful substitution to larger caliber handguns** in Baltimore compared with the 15 other cities. In Baltimore, of 3757 guns for which caliber information was available 1048 (27.9%) were small caliber, 1820 (48.4%) were medium or large caliber, and 889 (23.7%) were long guns. The comparable percentages for 31 349 guns in the 15 other cities were: 24.4% small caliber, 56.0% medium or large, and 19.6% long guns.

IPV escalation happens quickly – no time for substitution. **Jeltsen 14**

Melissa Jeltsen. “These Abusers Aren't Allowed To Own Guns. So Why Aren't States Removing Them?” Huffington Post. October 14, 2014. CC

One argument against gun restrictions is that if an abuser is determined to kill, he’ll find another way. David Adams, a psychologist who has interviewed dozens of batterers who killed their victims and wrote the book Why Do They Kill?: Men Who Murder Their Intimate Partners, said that the research suggests otherwise. “Having interviewed killers about this, there’s a moment of time and a window of opportunity for them to kill,” he said. “Many of the killers said something to the effect of ‘24 hours before the incident, I couldn't stop thinking about her, I couldn't sleep, I couldn't eat,’ really obsessed. If they have a gun during that opportunity and access to her, it was going happen. If they didn’t have a gun, that moment may have forever passed.” One study found that the presence of a gun in a domestic violence situation makes it five times more likely a woman will be murdered by her abuser. Over half of all women killed by intimate partners between 2001 to 2012 were killed using a gun, according to the Center for American Progress. Adams said the more time that passes post-separation, the safer it becomes for the victim. “Confiscating a gun from someone who is prone to these impulsive acts of retribution is incredibly important -- really the difference between life and death,” he said.

### A2 Lott

John Lott is a faulty academic with terrible data – their specific book is wrong. **DeFilippis and Hughes 14**

Evan Defilippis [graduated number one in his class at the University of Oklahoma with degrees in Economics, Political Science, and Psychology. He is a Harry S. Truman Scholar, a David L. Boren Critical Languages Scholar, and currently works as a research analyst at Quest Opportunity Fund. His work on gun violence has been featured in Washington Post, Atlantic, Slate, VICE, Huffington Post, Vox, Media Matters, Boston Review, and many others.], and Devin Hughes [Devin Hughes is the Founder and CIO of Hughes Capital Management, LLC, a Registered Investment Advisor, in Edmond, OK. He graduated Summa Cum Laude from the University of Oklahoma with a dual major in Finance (Outstanding Senior) and Risk Management, where he attended as a National Merit Scholar. He has been published in The Honors Undergraduate Research Journal (THURJ) 2013 “Ponzi: When Dreams Are All That Matters”; Brainstorm 2012 “The War Against Memory: New Media and Learning”; THURJ 2011, “The Great Disparity”; and the Journal of Global Affairs 2011, “The Decline and Fall of America: To be continued?”] "Shooting Down the Gun Lobby’s Favorite “Academic”: A Lott of Lies," Armed With Reason, http://www.armedwithreason.com/shooting-down-the-gun-lobbys-favorite-academic-a-lott-of-lies/, December 1, 2014. CC

John Lott is, without exception, the most prolific and influential writer on the topic of gun violence and gun control. He has credentials that would make most academics envious—with various stints at Stanford, Rice, UCLA, Wharton, Cornell, the University of Chicago and Yale. According to LexisNexis queries, his op-ed pieces have appeared in newspapers at least 161 times. He has been referred to in more than 1,100 newspaper columns. Lott’s most famous book, More Guns, Less Crime, has been referenced by major news publications at least 727 times. The lobbying arm of the National Rifle Association, the Institute for Legislative Action (NRA-ILA), has spotlighted Lott’s scholarship at least 140 times on their website. After every mass shooting or national gun violence tragedy, Lott is the de facto talking head for the pro-gun community on news programs such as Fox News. He has also testified numerous times in front of Congress and state legislatures, having been a critical voice in the expansion of Right-to-Carry (RTC) laws. Yet his daunting resume fails to tell the entire story. While his initial research was groundbreaking, further examination revealed numerous flaws. Today the “more guns, less crime” hypothesis has been thoroughly repudiated. On closer inspection his impressive credentials reveal an academic nomad, never able to secure a place in academia. His ethical transgressions range from accusations of fabricating an entire survey, to presenting faulty regressions, to creating elaborate online personas to defend his work and bash critics, to trying to revise his online history to deflect arguments. And this doesn’t even begin to cover the whole host of false claims and statistics he has peddled repeatedly in articles and TV appearances. His descent into dishonesty began ironically with a groundbreaking study. The Birth of More Guns, Less Crime On August 2nd, 1996, USA Today published the results from a new comprehensive study on the effect of “shall-issue” concealed carry laws (also known as RTC laws), and homicide, rape, and aggravated assaults incidence. The headline read, “Fewer Rapes, Killings Found Where Concealed Guns Legal.” The study, conducted by John Lott and David Mustard from the University of Chicago analyzed crime statistics in 3,054 counties from 1977 to 1992. The study made the remarkable claim that, if all states had adopted “shall issue” laws by 1992, 1,500 murders, 4,000 rapes, 11,000 robberies, and 60,000 aggravated assaults would be avoided annually. Lott subsequently published and expanded upon this research in a book entitled More Guns, Less Crime. Lott’s research relied heavily on advanced econometrics, a highly specialized sub-field of economics. Using an econometric model with a blistering array of controls, including 36 independent demographic variables, John Lott analyzed a total of 54,000 observations for 3,056 counties over an 18 year period. Such a massive dataset would ostensibly permit Lott, for the first time, to identify the specific effect of concealed carry laws on crime with great precision. The book was extremely well-received by the pro-gun community, being described as the bible of the gun lobby, and has since sold 100,000 copies. His book inaugurated a new era in the pro-gun movement: for the first time ever, organizations like the National Rifle Association could articulate their advocacy in the language of public health, rather than in constitutional terms. To this day, legislators continue to cite John Lott’s work as the basis for votes against gun control. The only problem? Nearly nothing in the book is correct. Lott’s Swift Fall from Grace Tim Lambert, a Computer Scientist at the University of New South Wales, wrote a massive, 47-page critique of Lott’s book. His paper revealed that the book title More Guns, Less Crime already gets everything about the gun debate wrong: there weren’t significantly more guns, there wasn’t less crime, and guns wouldn’t have caused the decrease in crime anyway. The paper deserves a complete reading, but we’ll summarize just a few of Lott’s many missteps here: In an audacious display of cherry-picking, Lott argues that there were “more guns” between 1977 to 1992 by choosing to examine two seemingly arbitrary surveys on gun ownership, and then sloppily applying a formula he devised to correct for survey limitations. Since 1959, however, there have been at least 86 surveys examining gun ownership, and none of them show any clear trend establishing a rise in gun ownership. Differences between surveys appear to be dependent almost entirely on sampling errors, question wordings, and people’s willingness to answer questions honestly. Lott replied to this accusation by arguing that, even if there weren’t more households owning guns, there were still more people carrying guns in public after the passage of shall-issue laws. However, we know this assertion is factually untenable, based on surveys showing that 5-11% of US adults already carried guns for self-protection before the implementation of concealed carry laws. It’s extremely unlikely, therefore, for the 1% of the population identified by Lott who obtained concealed carry permits after the passage of “shall-issue” laws to be responsible for all the crime decrease. Lambert also argues that many of the people who obtained concealed carry permits after the passage of shall-issue laws, were already illegally carrying firearms in the first place. This means, of course, that “shall-issue” laws would produce almost no material changes in the reality of gun ownership. Lott replied with an ever-weakening series of explanations, suggesting that the 1% of people who obtained permits likely had a higher risk of being involved in crime, and thus disproportionately accounted for the crime decrease. Except, yet again, this statement does not comport with reality. One study by Hood and Neeley analyzed permit data in Dallas and showed the opposite of Lott’s predictions: zip codes with the highest violent crime before Texas passed its concealed carry law had the smallest number of new permits issued per capita. Empirical data from Dade county police records, which cataloged arrest and non-arrests incidents for permit holders in a five-year period, also disproves Lott’s point. This data showed unequivocally that defensive gun use by permit holders is extremely rare. In Dade county, for example, there were only 12 incidents of a concealed carry permit owner encountering a criminal, compared with 100,000 violent crimes occurring in that period. That means, at most, getting a permit increases the risk of an armed civilian meeting a criminal by .012 percentage points. This is essentially a round-off error. What’s particularly revealing about this episode is that Lott had to have known about Dade county police records because he cited the exact same study in his book when the records supported a separate position of his. In other words, Lott simply cherry-picked the evidence that supported his conclusion and disregarded the rest. Even academics on Lott’s side of the argument strongly doubt that concealed c arry laws could have such profound effects on crime. Gary Kleck, a criminologist at Florida State University, for example, writes:

This ev concedes in the next sentence that it’s not offense **Lott**

More Guns Less Crime. John R Lott. Second Edition. 2000. Book

the statistics imply that it increased the number of aggravated assaults by 24 percent and the number of rapes by 3 percent. Yet it is important to remember that the data for Arizona covered only a very short period of time when this law was in effect, and other factors influencing crime could not be taken into account.

# Frontlines – T

## A2 Nebel T – Old Version

### Counter-Interp

**Omitted**

### A2 Grammar

Omitted

### A2 Generics – Sorin

Omitted

### A2 Textuality First

**A2 Wouldn’t debate another topic:**

**A2 Limits/Controls Pre Round Prep:**

**A2 Objective:**

**A2 No Counterfactual World:**

### A2 Limits

Omitted

### A2 Scalia

Omitted

### A2 Macavity

Omitted

### A2 OAD

Omitted

### A2 Jacobs

Omitted

### A2 Lind

Omitted

## A2 T – Legal Ought

**Counter-interp** – Merriam Webster and 5 other dictionaries define ought as moral obligation

http://www.merriam-webster.com/dictionary/ought

http://www.thefreedictionary.com/ought 2) http://dictionary.reference.com/browse/ought 3) http://oxforddictionaries.com/definition/english/ought 4) http://www.macmillandictionary.com/dictionary/british/ought 5) http://americanheritage.yourdictionary.com/ought 6) New Oxford American Dictionary (Mac’s Dictionary)

1. Ground – the only topical aff under their interp is constitutionality which A. makes it impossible to be AFF since it flows decisively neg and B. makes the AFF a sitting duck since there’s only like one or two affs they can read – outweighs other loss of ground since neg is already reactive and can compensate for other strategies with time skew and generics

2. Phil education – my interp lets us use a multiplicity of theories which allows breadth of philosophy – that impact outweighs since it’s unique to debate – nowhere else do we get rigorous philosophical analysis in high school – also solves their offense since it allows legal education if justify normatively

3. Accessibility – the law is really screwed up and forcing us to only talk about it requires marginalized debaters to engage with the oppressor – it also doesn’t let us talk about how to solve social issues like IPV and racism that the law actively sanctions since they’re *by definition* inconsistent with what we legally ought to do – that outweighs since if people are excluded it’s the greatest harm to fair participation

## A2 Exact Solvency Advocate Theory

Counterinterp – the AFF may read a plan that is a subset of what a solvency advocate advocates for – they don’t need to defend everything their author proposes

1. They overlimit – authors don’t have the topic wording when arguing for policies, so I need a degree of freedom to choose parts of policies that are topical. No one advocates *just* banning handguns and not assault weapons, changing background checks, closing private seller loopholes, or various other policies so it’s impossible to meet their interp

**A2 Predictability**

1. It’s just as predictable – our plan is within the solvency advocate so if they found the author they’d still see the plan – our exact text is also disclosed
2. The exact same reasons for adopting the policy still apply and the topic lit references the restriction so it’s very different than choosing a random policy no one supports
3. Picking part of a policy is actually worse for me because I don’t get the full offense -- this outweighs since their predictability link is marginal but the loss of offense is not (e.g. they can make substitution effect args, which gives them a strategic advantage)
4. They get advantage CPs that implement the other parts of our solvency advocate’s proposal so any aff offense becomes harder to weigh against DAs.

## A2 T – Non-Cohabitation

The AFF may defend banning private ownership of handguns for stalkers and dating partners by changing the definition of Intimate Partner in the Brady Handgun Violence Prevention Act to include those groups.

Changing the definition is our implementation mechanism – it directly results in a handgun ban for those groups – that’s McDonough

It’s no more effects T than passing a bill to ban guns for any group alone since it literally just passes a bill

And it’s not extra T – it only changes the definition specifically for the gun bill to have the effect of banning guns, but doesn’t change the definition in any other context – all our offense comes directly from banning guns for those groups

Net benefit is discussion of IPV – there’s no T version under their interp since you couldn’t ban stalkers or non-cohabiters as it’s not considered IPV – that discussion is uniquely key since all that gets talked about is straight couples – Wolfe 99 says our discussion is key

## A2 Plan Flaw

### A2 “BY” not “FOR”

Either is allowed- here’s the text of the Lautenberg amendment which is the policy we expand

Office of the United States Attorneys. “1117. Restrictions on the Possession of Firearms by Individuals Convicted of a Misdemeanor Crime of Domestic Violence.”

GUN BAN FOR INDIVIDUALS CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE

### A2 IPV Offendors

1. It’s a category – World Health Organization

World Health Organization. “Intervening with perpetrators of intimate partner violence: A global perspective” <http://www.who.int/violence_injury_prevention/publications/violence/intervening/en/>

Critics of batterer intervention programme evaluations point out that abusers who participate in intervention programmes may simply become more skilful at concealing their renewed abuse from detection, and thus, evaluation results will reflect more positive change than truly occurs. Moreover, critics point out that the reported programme effects only pertain to men who complete the programmes, and that “programme drop-out” is a significant problem for programmes that serve court-mandated abusers. Indeed, it appears that 22–42% of abusers in US and Canadian programmes fail to complete their assigned programme (Rooney & Hanson, 2001; Saunders & Parker, 1989; DeMaris, 1989; Gondolf, 2002; Pirog-Good & Stets, 1986). These criticisms notwithstanding, it is possible to conclude on the basis of existing evaluations that batterer intervention programmes offer some hope for behaviour change among intimate partner violence offenders who are amenable to participation, though they are not a panacea.

## T is Exclusionary

### TL – Add-on to T

Reading T is a link – **Wolfe 99** says IPV is perpetuated by lack of education and acknowledgment within academia – they create hurdles to jump through before we can talk about IPV which is the same excuse to NEVER TALK ABOUT IPV – every red-tape law that prevents survivors from speaking out REAFFIRMS ABUSE – THIS IS A VOTING ISSUE

The use of procedural requirements to bracket off criticism reinforces oppression – you should endorse a rejection of those procedures. **Prosise 96**

Prosise, Theodore O., Greg R. Miller, and Jordan P. Mills. "Argument fields as arenas of discursive struggle." Argumentation and Advocacy 32.3 (1996): 111.

A central aspect of argument field theory left unexamined has been the role of power in the establishment of argumentative author- ity in fields. The importance of the discursive struggles over the standards that distinguish legitimate and illegitimate forms of expression has also eluded thorough analysis. Critical theorists must recognize the practical discursive struggles of social agents.26 The actual symbolic practices of agents must be understood if we are to analyze how logical types become invested with authority. **The establishment of authority may preclude participation in the field and marginalize those who could or should have a say.** Field theory is better conceptualized by considering argument fields as social arenas of struggle, accounting for the key elements and factors that make fields dynamic. Toulmin, while recognizing the role of argumentative conflict in the establishment of authority, originally employed an evolutionary model in his explanation of the development of disciplinary fields. In Human Understanding, he argues that forums of competition allow the best warrants of a field to become accepted. The dominant warrants, he believes, did not develop from an "arbitrary authority or contest for power."27 His evolutionary perspective embraces the metaphor of change as progress. Condensing this, Robert Rowland explains, "The theories which best meet a discipline's needs will survive."28 The work of Thomas Kuhn, however, amply demonstrates the limits of such an evolutionary perspective of epistemic development.29 And although Toulmin now would not embrace the container model of knowledge accumulation, the original discussion of fields lacked an emphasis on the dynamics of social struggles for symbolic legitimacy, which may explain the current limitations in understanding how authority is produced and articulated in social space.The shared purposes of social agents also has been offered as a useful descriptor of argument fields. Rowland argues a conception of fields based on the shared purpose of the agents operating within the field.30 Zarefsky summarizes this notion, indicating that "two arguers are in the same field if they share a common purpose, and . . . the arguments they produce will differ in important ways from arguments which derive from a different purpose."31 In short, **participants** **argue over what constitute the "best way" to engage in activities within the area of inquiry.:**;2 This conception of fields begins to define a social arena based on an agent's participation in a struggle over the instrumental means and terminal states of a social field. It should be recognized that participants also share in the struggle for scarce resources-be they economic, cultural, political or symbolic.**These** **agents** argue over the legitimate perspective on what should constitute a claim to know, so they **share in a struggle for epistemic legitimacy. The resolution of this struggle determines what types of argumentative proof are legitimated** in the field**.** Extending from Toulmin's work, many scholars recognize that the symbolic negotiation of authority within social fields is ongoing. Such negotiation requires a discursive struggle in which arguments are presented and then accepted or rejected by the community of participants. 33 Charles Kneupper notes that "social fields are strongly influenced by rhetorical practice in both their continuation and change."34 Furthermore, James Klumpp suggests that "when a community encounters an experience there are normally multiple understandings of it. Through communication the community works out its choice of ways to respond (that is, its definition of the situation) and then sanctions ... appropriate action."35 Social actors categorize events in order to respond to those events in appropriate ways. This categorization is based, primarily, on the language practices of the social field. 36 For example, welfare policies frame cultural myths of an "underclass" and may exacerbate the problems of social members of lower economic status. The connotations associated with the term "underclass," such as chronic laziness, stigmatize members of the group. The policies that are formulated, therefore, are based on the perceived "character" of the members of the underclass, rather than the larger social, historical, and economic causes of their economic status. The implication is that action is often based on the successful symbolic struggles which categorize events, rather than on "good reasons."37 **Since new ideas are filtered through taken-for-granted social assumptions, there is a general conservative social orientation toward argument.** This helps explain how argument fields are maintained. Craig Dudczak, while recognizing that struggles take place within disciplines, claims that overall participants "maintain general disciplinary assumptions."38 Wenzel writes that "argument fields exhibit a persistence over time"39 and for Charles Willard "fields exist … through the ongoing defining activities" and the "recurring themes in a group's practices." In other words, certain symbolic forms of authority are reproduced and others are limited socially. **Certain forms of argumentative support are celebrated and other forms** **are dismissed, based on the social forms of authority previously established** by the agents participating in the field**. But** fields are not always stable. Postmodern scholars remind us that diversity and differences are the norm. Hence, **attention must be paid to the diversity of discursive struggles that challenge traditional forms of social authority.**  **Communities** of memory, necessary for social negotiation, **are partially established through discursive practices.** But within the community, conflict is ever-present. So, what is the relationship between the community and the conflict within the field? Furthermore, what are the implications of the struggle? Hanson argues that the forums of field disputes can serve to "exclude" an individual "from further discussions. " 42 He is certainly correct; however, it is more than just a forum that excludes discourse. The successful symbolic struggle to define social authority excludes individuals and perspectives from participation and consideration in social fields. Despite these contributions, there has been insufficient discussion of the pragmatic struggles in which agents are engaged. The community of argument scholars will be served by a general theory of social fields in order to evaluate particular examples. Over a decade ago, Zarefsky contended that "we need an account of the growth and demise of fields against which we can check individual claims."4:1 What the current discussion lacks, specifically, is a consideration of the role that symbolic struggles of categorization of "appropriate" and "inappropriate" forms of authority plays in the stability and change of a social field's assumptions, which serve as the basis for the subsequent social structuring of practices. Current field theory fails to account adequately for social power and the conflict over scarce symbolic resources at the base of that social power. The study of such struggle is important because it relates to the stability and legitimacy of the dominant forms of discourse. Subsequently, there has been little attention to the real world implications of marginalizing alternative arguments within fields. For example, Nancy Fraser argues that the conceptual framing of social welfare policies excludes meaningful interpretation of social needs from a feminist perspective.44 The social forms of authority surrounding the welfare debate are defined by political "professionals." Consequently, the interpretation of a welfare recipient's "needs" and "interests" are considered primarily from the dominant political perspective. Excluded from the political debate are alternative voices and arguments. Lack of attention to the symbolic means of exclusion, such as this, is troubling. Rhetorical scholars need a theory which can help explain how and why certain arbitrary expressions are celebrated, while others are excluded altogether due to discursive struggles within dynamic social fields. Furthermore, **scholars should be encouraged to explore the symbolic means agents employ to challenge traditionally dominant forms of argumentative authority.**

### TL – Long

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Furthermore, **scholars should be encouraged to explore the symbolic means agents employ to challenge traditionally dominant forms of argumentative authority.**

This independently outweighs – theory is an attempt to evade criticism and perpetuates exclusion where we have to jump through hurdles to ever talk about oppression. **Smith 13**

Elijah Smith, A Conversation in Ruins: Race and Black Participation in Lincoln Douglas Debate, Vbriefly, 2013. NS

It will be uncomfortable, it will be hard, and it will require continued effort but the necessary step in fixing this problem, like all problems, is the community as a whole admitting that such a problem with many “socially acceptable” choices exists in the first place. Like all systems of social control, the reality of racism in debate is constituted by the singular choices that institutions, coaches, and students make on a weekly basis. I have watched countless rounds where competitors attempt to win by rushing to abstractionss to distance the conversation from the material reality that black debaters are forced to deal with every day. One of the students I coached, who has since graduated after leaving debate, had an adult judge write out a ballot that concluded by “hypothetically” defending my student being lynched at the tournament. Another debate concluded with a young man defending that we can kill animals humanely, “just like we did that guy Troy Davis”. Community norms would have competitors do intellectual gymnastics or make up rules to accuse black debaters of breaking to escape hard conversations but as someone who understands that experience, the only constructive strategy is to acknowledge the reality of the oppressed, engage the discussion from the perspective of authors who are black and brown, and then find strategies to deal with the issues at hand. It hurts to see competitive seasons come and go and have high school students and judges spew the same hateful things you expect to hear at a Klan rally. A student should not, when presenting an advocacy that aligns them with the oppressed, have to justify why oppression is bad. Debate is not just a game, but a learning environment with liberatory potential. Even if the form debate gives to a conversation is not the same you would use to discuss race in general conversation with Bayard Rustin or Fannie Lou Hamer, that is not a reason we have to strip that conversation of its connection to a reality that black students cannot escape.

Predictability is a sham that merely reaffirm dominant ideologies. **Delgado 92**

Richard Delgado, ’92 (Charles Inglis Thomson Professor of Law, University of Colorado. J.D, University of California at Berkeley, “ESSAY SHADOWBOXING: AN ESSAY ON POWER”, 77 Cornell L. Rev. 813, Lexis)

**It is important to know when we are being gulled, manipulated, and duped**. n1 It is even more important to know when **we are unwittingly doing this to ourselves -- when we are using** shopworn legal **scripts and counterscripts, going around endlessly in circles, getting nowhere. n2 Understanding how we use predictable arguments to rebut other predictable arguments in a predictable sequence** -- "The plaintiff should have the freedom to do X," "No -- the defendant should have the security not to have X done to her"; "The law should be flexible, permitting us to do justice in particular cases," "No -- the law must be determinate; only bright-line rules are administrable and safe" n3 -- frees us to focus on real-world questions that do matter. We can begin to see how the actions we take as lawyers, law students, and legal scholars advance or retard principles we hold dear**. n4 We can see where the scripts come from and, perhaps, how to write new and better ones**. <**Continues**…> **Underlying these stylized debates about subjective versus objective standards is a well-hidden issue of cultural power, one neatly concealed by elaborate arguments that predictably invoke predictable "principle**." n25 **These arguments invite us to take sides for or against abstract values that lie on either side of a well-worn analytical divide, having remarkably little to do with what is at stake. The arguments mystify and sidetrack, rendering us helpless in the face of powerful repeat players** like corporations, human experimenters, action-loving surgeons, and sexually aggressive men. n26 How does this happen? Notice that in many cases it is **the stronger party** -- the tobacco company, surgeon, or male date -- that **wants to apply an objective standard to a key event**. n27 The doctor wants the law to require disclosure only of the risks and benefits the average patient would find material. n28 The male partygoer wants the law to ignore the woman's subjective thoughts in favor of her outward manifestations. n29 The tobacco company wants the warning on the package to be a stopper. Generally, the law complies. What explains the stronger party's preference for an objective approach, and the other's demand for a more personalized one? It is not that one approach is more principled, more just, or even more [\*818] likely to produce a certain result than the other. Rather, in my opinion, **the answer lies in issues of power and culture. It is now almost a commonplace that we construct the social world. n30 We do this through** stories, **narratives**, myths, and symbols -- **by using tools that create images**, categories, and pictures. n31 **Over time, through repetition, the dominant stories seem to become true and natural, and are accepted as "the way things are**." n32 **Recently, outsider jurisprudence n33 has been developing means, principally "counterstorytelling," to displace or overturn these comfortable majoritarian myths and narratives**. n34 A well-told counterstory can jar or displace the dominant account. n35 **The debate on objective and subjective standards touches on these issues of world-making and the social construction of reality. Powerful actors**, such as tobacco companies and male dates, **want objective standards applied to them simply because these standards always, and already, reflect them and their culture.** **These actors have been in power; their subjectivity long ago was deemed "objective" and imposed on the world. n36 Now their ideas about meaning, action, and fairness are built into our culture**, into our view of malefemale, doctor-patient, and manufacturer-consumer relations. n37 <continues> **I began by observing that law-talk can lull and gull us, tricking us into thinking that categories like objective and subjective, and the stylized debates that swirl about them, really count when in fact they either collapse or appear trivial when viewed from the perspective of cultural power. If we allow ourselves to believe that these categories do matter, we can easily expend too much energy replicating predictable, scripted arguments -- and in this way, the law turns once-progressive people into harmless technocrats**. n70

### A2 Fairness

Omitted

### A2 Can’t Evaluate AFF if Unfair

Omitted

### A2 Galloway

Omitted

### A2 Good Discussion

Omitted

### A2 People will Quit

Omitted

# Frontlines – CP

### A2 Bullet Ban CP

Perm do both – net benefit is tons of violence that happens from guns with current bullets

There’s no registry for bullets – impossible to ban them and make sure no one has them

Links to politics and court legitimacy. Devaney 15

Tim Devaney. “Republicans up in arms over bullet ban.” 03/09/15 <http://thehill.com/regulation/administration/235132-gun-bullet-ban-has-republicans-up-in-arms>. TF

“Second Amendment rights require not only access to firearms, but to bullets,” a group of 53 Republican senators wrote Monday in a letter to ATF Director B. Todd Jones. ¶ “If law-abiding gun owners cannot obtain rifle ammunition, or face substantial difficulty in finding ammunition available and at reasonable prices because government entities are banning such ammunition, then the Second Amendment is at risk,” they continued.¶ The only Senate Republican not on the letter was Mark Kirk (Ill.), who is facing a tough reelection fight in blue-leaning Illinois.¶ The National Rifle Association's top lobbyist called the proposed bullet ban an "unconstitutional attack on our Second Amendment freedoms" and praised the message for Senate Republicans.¶ “This letter sends a clear message to President Obama that Congress strongly opposes his attempt to use his pen and phone to thwart the will of the American people and impose gun control,” said Chris W. Cox, executive director of the NRA’s

All of the turns link to this if it makes guns unusable

Guns key as per **Debrabander** – create fear and patriarchy in society since they’re a symbol

Bullets are easy to smuggle. **Anglen 11**

http://usatoday30.usatoday.com/news/world/story/2011-10-09/ammo-us-mexico/50707742/1

But often overlooked in the controversy are the tons of bullets that also make their way south of the border. In Mexico, ammunition is strictly regulated and possession of even a single illegal round can lead to prison. But there is nonetheless a steady supply of bullets. Almost all of it comes from the north. Hundreds of thousands of rounds of ammunition are purchased each year from online retailers, big-box stores and at gun shows in Arizona and other Southwest border states, then are smuggled across the border

Bullets are easier to home-make – can mass 3d print but harder with guns since they’re only usable once and much more complicated to print

### A2 Delay CP

1. Perm do the CP – we start writing the policy now but ban doesn’t fully occur for 6 months – not severance since the CP is just an enforcement mechanism

2. Perm do the AFF and all non-competitive planks of the CP – there’s no net benefit to waiting – anyone who would buy from the underground market now will just not enter their gun onto the registry or give them up in 6 months – so CP doesn’t solve anything

3. CP requires survivors of IPV to wait 6 more months of violence from most abusers who would have given them up now – that’s potentially thousands of deaths and abuses

4. Perm do the CP – pass the AFF in 6 months – justified because delay CPs moots the 1ac which destroys aff ground – causes stale process debates and distracts from topic education – reject their advocacy

5. Waiting means never – the AFF’s already hard enough to pass and enforce as-is – waiting 6 months gives malicious politicians more time to create excuses and

6. They don’t solve any of their offense – the CP would have to tell people a ban’s coming in 6 months, which gives everyone the same incentives to stockpile and buy on the illegal market as with the AFF

**Interp:** The neg may not read a CP that results in the entirety of the affirmative after a period of time

1. Delay CPs steal my AFF since they do the same thing and refocus the entire debate to a marginal issue that they’re most prepped for which artificially inflates the quality of bad neg args and makes things like politics impossible to weigh against – can’t leverage the AFF

2. I have to restart the round over in the 1AR because reading tons of process args in the AC means they could go all in on case bad – means they get 13-7 skew and can frontline every response – also turns depth – forces us to split the AC whereas with just the plan without process that’s what the entire round’s about

3. Bad for advocacy skills – they never engage whether the AFF is a good idea so they avoid debate – they also never have to defend their advocacy against objections since I can’t prep or make the best responses

4. Topic education – better to talk about the topic then the process because it’s a more pressing issue – government in the squo would never pass gun control so debating how they’d do it is less important than why they should

Fairness is a voter since round’s skewed which means equal evaluation is impossible.

Drop the debater – round’s already skewed so restarting the round over in 2AR is impossible. Use competing interps – reasonability is arbitrary and creates a race to the bottom of questionable argumentation.

### A2 DOJ CP

1. Doesn’t solve stalking provision – just changes definition of IPV to include non-domestic relationships but doesn’t target stalkers – EGS 14 says stalking violence from guns affects thousands of people – big net benefit

2. Links to politics harder than the aff – congress blames Obama for DOJ actions since they’re part of the executive. **Devaney** **16**

, “Republican eyes DOJ budget to block Obama gun orders,” <http://thehill.com/regulation/264714-house-republican-defund-doj-over-gun-executive-orders>. DT

**A powerful House Republican is threatening to block President Obama’s executive order on guns by defunding the** Department of Justice **(DOJ).** In a [letter](http://culberson.house.gov/UploadedFiles/Letter_to_AG_Lynch_Re_Second_Amendment.pdf" \t "_blank) to Attorney General Loretta Lynch, Rep. John Culberson (R-Texas), **chairman of the Appropriations subcommittee that oversees** the **Justice** Department, **warned against enforcing** the new **gun restrictions. "**The next twelve months will be an especially dangerous time for Americans who treasure our Second Amendment right to keep and bear arms,” Culberson said. "I have formally notified Attorney General Lynch that I will aggressively protect our Second Amendment rights using Congress' power of the purse,” he added. "I notified the attorney general that if the Department of Justice attempted to create new restrictions on our Constitutional rights that **I would use every tool at my disposal to immediately restrict their access to federal funding.”** Culberson appears to be the first Republican to call to block DOJ funding over the executive action on guns. In future budget agreements, **House appropriators could specifically prohibit the Justice Department from enforcing the gun restrictions** without defunding the entire agency. Culberson warned Lynch not to “create new law” in his letter. “The House Appropriations Committee will not provide resources to your department for the development or implementation of unlawful limitations on the unambiguous Second Amendment rights of Americans,” Culberson wrote. Culberson’s letter follows harsh words that Speaker [Paul Ryan](http://thehill.com/people/paul-ryan) (R-Wis.) had for the Obama administration earlier Monday. **He accused Obama of “subverting” Congress** by taking executive action on gun control. “We all are pained by the recent atrocities in our country, but no change the president is reportedly considering would have prevented them,” Ryan said.

3. Solvency deficit – next president could undo by reinterpreting it so it’s not a law – executive roders aren’t finalized

4. Courts can undo exec action – they’ll say Obama can’t reinterpret laws since he has no authority

### A2 Exoneration CP

Perm do the CP – exonerated people are no longer listed as convicted so they wouldn’t show up in the NCIS database – the CP just says there’s stigma in overturning the conviction but doesn’t say people are left in the database after exoneration, just that they’re difficult

Normal means doesn’t apply ban if people are exonerated – here’s **text of Lautenberg amendment**

Office of the United States Attorneys. “1117. Restrictions on the Possession of Firearms by Individuals Convicted of a Misdemeanor Crime of Domestic Violence.”

Limitations on Previous Convictions -- 18 U.S.C. § 921(a)(33)(B). To qualify:(1) at the time of previous conviction, the defendant must have been represented by counsel, or knowingly and intelligently waived the right to counsel;(2) if the offense of previous conviction entitled the person to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise; and (3) the conviction can not have been expunged or set aside, or be an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms. The issue of restoration of civil rights must be carefully researched for each potential defendant. For example, in some states a person automatically loses his/her civil rights upon the execution of a sentence of imprisonment (felony or misdemeanor) only to have the rights restored upon the defendant's release from prison or sentence. However, in those states, a person who does not serve a sentence of imprisonment may not lose their civil rights and, therefor, this limitation may not be applicable. But, in United States v. Indelicato, 97 F.3d 627 (1st Cir. 1996), the Court held that in at least some instances if one group of felons may possess a firearm because their rights were automatically taken away and then restored then those who do not have their rights taken away may also possess a firearm. The Terrorism and Violent Crime Section can provide assistance in analyzing particular cases.

No solvency advocate means there’s no justification for why exonerated abusers are left in the database – also means reject the CP since it’s totally unpredictable and I can only research based on the topic – discourages research if they don’t have to look for authors to support their advocacy

CP’s only textually competitive since functionally it results in the AFF – lets them read any CP like world peace and don’t do the AFF which makes it impossible to affirm

### A2 Shelters CP

Perm do both –

A. they don’t solve the AFF since there’s still massive violence for people who cannot or don’t want to leave their partners to join a shelter

B. CP *increases* the level of violence when people threaten to leave – needs to be combined with a gun ban

No solvency – IPV shelters are only short term and don’t stop violence at home. **Berk et al 86**

Berk, Richard A., Phyllis J. Newton, and Sarah Fenstermaker Berk. “What a Difference a Day Makes: An Empirical Study of the Impact of Shelters for Battered Women”. Journal of Marriage and Family 48.3 (1986): 481–490.

Still, one can extract at least three themes by including the broader literature on wife battery,¶ which often considers shelters at least in passing.¶ First, shelters have been viewed as a short-term¶ refuge from violent relationships (Martin, 1976;¶ Walker, 1979). Emphasis is placed on separating¶ the victim from the assailant. and on immediate¶ effects; shelters provide alternative room and¶ board. Neglected by and large are both support¶ services that shelters may offer and any long-term¶ effects. Thus, there is virtually no information on¶ what happens to victims after they leave the¶ shelter.¶ Second, some recent research on shelters has¶ considered in depth the process by which women¶ are admitted to shelters for victims, the nature of¶ the shelter experience (Ferraro, 1981; Snyder and¶ Scheer, 1981; Loseke, 1982; Loseke and Berk,¶ 1982). These studies take the practical considerations of shelter as problematic, such as how¶ eligibility for a shelter stay is determined, why¶ some women seek assistance from shelters, and¶ how battered women come to be defined as¶ “good” or “bad" clients. Thus, Loseke and Berk¶ (1982) show that many women who call the shelter¶ are not necessarily seeking housing. Many desire¶ information, advice, or referral. Loseke and Berk¶ conclude that shelters provide a great many serv-¶ ices that may be overlooked when attention is¶ directed solely at shelters as a refuge.

Queer survivors are excluded from shelters – plan’s key. NCAVP 16

“COMMUNITY ACTION TOOLKIT FOR ADDRESSING INTIMATE PARTNER VIOLENCE¶ AGAINST TRANSGENDER PEOPLE,” National Coalition of Anti-Violence Programs (NCAVP), 2016.

LGBTQ survivors of IPV face a host of barriers in attempting to seek safety and healing. Many intimate partner violence programs have denied¶ LGBTQ survivors access to services, such as domestic violence shelters. In addition, due to a history of the criminalization of LGBTQ¶ communities by law enforcement and health-service organization, many LGBTQ survivors of violence experience discrimination and violence¶ when reporting intimate partner violence incidents to the authorities.¶ More than 61% of LGBTQ survivors were turned away from [IPV] shelter in 2012 and nearly 1/3 were wrongly arrested as the¶ abusive partner. Additionally, fewer than 3% of all survivors sought orders of protection and fewer than 50% reported violence to the police.4¶ In 2010 a groundbreaking report5 highlighted the stark inequality and the numerous barriers LGBTQ survivors of violence face in trying to¶ obtain culturally competent services to prevent and address the violence against them. 94% of the respondents said they were not serving¶ LGBTQ survivors. Studies have shown that only one in five survivors of same-gender sexual assault and intimate partner violence received¶ victim services7and many LGBTQ people do not feel that supportive services are readily accessible.8

Survivors in shelters are more likely to experience PTSD, contributing to suicide and substance abuse. Hughes and Jones 2k

“Women, Domestic Violence, and Posttraumatic Stress Disorder (PTSD),” Margaret J. Hughes & Loring Jones. San Diego State University, Jan. 2000.

Available research indicates that the symptoms exhibited by battered women are consistent¶ with the major indicators of PTSD as currently defined by the DSM IV. A consistent finding¶ across varied samples (i.e., clinical samples, shelters, hospitals, community agencies, etc.) is¶ that substantial proportions of victimized women (31% to 84%) exhibit PTSD symptoms.¶ 2. The [IPV] shelter population is at a higher risk for PTSD than victimized women¶ who are not in shelters. Estimates of victimization among the shelter population range from¶ 40% to 84%.¶ 3. Having multiple victimization experiences (childhood abuse, particularly sexual abuse, and¶ adult sexual abuse) increases the likelihood of PTSD and many other types of psychiatric¶ disorders.¶ 4. The extent, severity, and type of abuse are associated with the intensity of PTSD. Severity¶ refers to how life threatening the abuse is. The more life threatening the abuse is, the more¶ traumatic the impact. Sexual abuse, severe physical abuse, and psychological abuse are¶ associated with an increase in trauma symptoms among victims. Women need not experience¶ severe violence to experience PTSD symptoms; but experiencing severe violence exacerbates¶ symptoms. Psychological abuse may be as damaging as physical violence.¶ 5. Other forms of emotional distress accompany PTSD, particularly depression and dysthymia,¶ are noted among domestic violence victims. A history of depression may be a risk factor for¶ victimization.¶ 6. Suicide is a risk among domestic violence victims who exhibit PTSD symptoms. PTSD may¶ mediate the link between partner abuse and suicidal ideation.¶ 7. Substance abuse was reported in a high percentage of victimized women. Women who¶ reported being victims of child abuse and adult abuse had significantly more lifetime drug¶ and alcohol dependence than women not reporting abuse.¶ 8. In addition to PTSD, depression, and substance abuse, other mental health problems have¶ been noted in victimized women.¶ 9. The empirical evidence does suggest that younger unemployed women, with a¶ relatively large number of children, with low income, and low levels of social¶ support, are more at risk to experiencing PTSD symptoms and other mental health¶ problems than women without those characteristics.

### A2 States CP

1. Perm do both - federal and states should enforce gun bans – solves better. **Harwood 02**

Harwood, William [an attorney in Portland,¶ Maine. He is President¶ of Maine Citizens¶ Against Handgun Violence¶ and a member of the¶ American Bar Association¶ Coordinating Committee¶ on Gun Violence] . "Gun Control: State Versus Federal Regulation of Firearms." Maine Policy Review 11.1 (2002): 58-73. TF

Given this relative equilibrium in the advantages of¶ state versus federal regulation, it may be best not¶ to view the problem as one requiring an “either/or”¶ solution. It may not be useful to attempt to determine¶ whether the federal or state government is better positioned¶ to regulate firearms and then give “the winner”¶ sole responsibility for doing so. Instead, gun violence¶ may be better addressed by state and federal governments¶ working together. Because the social problems¶ presented by firearms range from suicide to child safety¶ to domestic violence, it may be preferable to use both¶ federal and state regulation, in a coordinated effort,¶ to reduce the number of victims of gun violence.¶ Under a coordinated federal-state approach, the¶ federal government would set regulations which would¶ serve as the minimum or floor. Because these federal¶ regulations would apply uniformly throughout the country, all dealers and gun owners would be required¶ to comply with these federal laws. However, states would¶ be free to impose stricter regulations if they wished¶ to do so. For example, the federal government may¶ prohibit gun dealers from selling to those convicted of¶ a felony. But states could go further and prohibit sales¶ to those convicted of either a felony or a misdemeanor.

2. Federal legislation is key to consistent application that avoids state ambiguities and would be enforced by local police. **Zimring and DeFilippis 16**

Evan DeFilippis (Evan DeFilippis is currently attending Princeton’s Woodrow Wilson School, focusing on economics and public policy. He graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma’s valedictorian in 2012, one of the nation’s 50 Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar. He speaks fluent Swahili, and is committed to a career in international development. His work on gun violence has been featured in in Washington Post, Atlantic, Slate, VICE, Huffington Post, Vox, Media Matters, Boston Review, and many others. He also writes on productivity and self-help at Quora, where his work has been published in Time Magazine, BusinessInsider, Medium, and many others. He currently works as a research analyst for the investment firm Quest Opportunity Fund.) and Franklin Zimring (Franklin Zimring was a member of the University of Chicago law faculty as Llewellyn Professor of Law and director of the Center for Studies in Criminal Justice. He joined the Boalt faculty in 1985 as director of the Earl Warren Legal Institute. He was appointed the first Wolfen Distinguished Scholar in 2006 and served in that capacity until 2013. Zimring's major fields of interest are criminal justice and family law, with special emphasis on the use of empirical research to inform legal policy. He is best known for his studies of the determinants of the death rate from violent attacks; the impact of pretrial diversion from the criminal justice system; and the effects of criminal sanctions. He has been a visiting professor at the University of Pennsylvania and Yale University, and a fellow of the Center for Advanced Studies in Behavioral Sciences. He is a fellow of the American Society of Criminology and a member of the American Academy of Arts and Sciences. From 2005 until 2011, he was the principal investigator for the Center on Culture, Immigration and Youth Violence Prevention, supported by the Centers for Disease Control. Zimring is the author or co-author of many books on topics including deterrence, the changing legal world of adolescence, capital punishment, the scale of imprisonment, and drug control. Recent books include The Contradictions of American Capital Punishment (2003), The Great American Crime Decline(2007), and The City That Became Safe: New York’s Lessons for Urban Crime and Its Control (2012).), CAL RR FINALS POST-ROUND DISCUSSION [TRANSCRIPT], 3/5/2016. NS

Zimring: Uh, there's another book, but it's an old one. It's called Firearms and Violence in American Life, it's the taskforce on violence. The National Violence Commission. Uh, possibly written after your parents were born. Uh, and unfortunately I was a co-author, and the answer is that the overall enforcement of the part of it, which is the commerce in guns, has to be federal, but the, the number of street and law enforcers who are federal in the United States is quite minimal, and that's about the only defense of liberty we have these days, so it is the, the municipal government ... Whatever gun control is at retail on the streets, our municipal police and sheriffs, federal standards, but local, uh, uh, officials doing it, and the truth of the matter is that that means that the gun control is either going to be as good or as bad as the local police are. If they are members of the Klu Klux Klan, you're going to get the kind of gun control that you had in the American Southern States all during the late 19th century and early 20th century. If police enforcement is both meticulous and even-handed, you've got a chance, but they've got to be the foot soldiers, the standards have to be national, and the regulatory rules have to national. DeFilippis: Yeah, I mean I echo those thoughts. I think federal implementation is far more credible. Uh, the regulatory regime, uh, needs to be consistent and, uh, needs to have credibility. Uh, my only fear with, um, leaving it up to the states is that it runs the risk of, uh, some of the more conservative states that may be, uh, allergic to gun control, implementing extremely weak, or watered down versions of, of, of gun control legislation, which we're already seeing that sort of sloppy patchwork of state laws and municipalities allows, uh, you know, private retailers to set up shop just outside the outskirts of, um, areas with strict gun control regulation and sort of bypass, uh, uh, state level law, so um, yeah I think it's far more intelligent to do it on a federal level.

3. States don’t solve – background checks exist as part of federal law – NCIS background check is federally run by the FBI so banning on states wouldn’t work

4. No nullification ­– federal law gets enforced over it. **Denniston 14**

Lyle Denniston 5 August, 2014. Constitution Check. Can States Exempt Themselves From Federal Gun Laws. Constitution Daily. http://blog.constitutioncenter.org/2014/08/constitution-check-can-states-exempt-themselves-from-federal-gun-laws/.

With the recent rise of the Tea Party movement, with its fervent opposition to concentration of governing power in Washington, the movement once again is gaining adherents. Some part of the resistance to the new federal health care law, for example, can be traced to the theory of state power to nullify national legislation that is said to be over-bearing or over-reaching. In the past few years, the intensification of the demand for strong personal rights to have and carry guns is bringing back **the** **nullification idea.** It **does not appear to have much promise of succeeding**; just last February, **the Supreme Court turned down** – **without any explanation – a plea by gun rights enthusiasts** in Montana **to allow that state to forbid the enforcement of federal guns laws** against the owners of guns manufactured and kept inside that state. But the resistance of the Supreme Court and lower courts has not deterred these efforts. A year ago, the legislature in Kansas became the latest to adopt a nullification law, aimed directly at federal gun laws that the legislature believed violated the Second Amendment right to have and carry guns. As other states have done, Kansas’s lawmakers confined the law to guns that were made and kept inside the state’s borders – a clear attempt to get around the argument that the state was attempting to interfere with interstate commerce in gun manufacture and distribution. **As soon as** that **law was signed** formally **by Kansas** Governor Sam Brownback, **U.S. Attorney General Eric Holder, Jr., wrote a letter** to the governor, **denouncing S.B. 102 as unconstitutional**. “Under the Supremacy Clause of the United States Constitution,” Holder wrote, “Kansas may not prevent federal employees and officials from carrying out their official responsibilities. And a state certainly may not criminalize the exercise of federal responsibilities.” He warned that **there would be no let-up in enforcement of those laws and duties inside Kansas.** Except for some back-and-forth in public statements on the issue, the controversy has not yet been resolved one way or the other. However, last month, the Brady Center to Prevent Gun Violence went into federal court with a new lawsuit, asking a judge to strike down the Kansas measure as a clear violation of the Constitution’s Supremacy Clause. The lawsuit provided a lengthy list of federal gun restrictions that would be nullified in Kansas, if the law were allowed to remain on the books. The lawsuit will take some time to run its course. A central question that will arise as the case moves forward is whether Kansas has succeeded – where other states have failed – in showing that the gun trade can actually be confined within a state’s borders, and have no effect on the commerce in guns nationwide. Given the ease with which guns move across state borders, **it will be very hard for Kansas to prove** that **it can set its guns apart** from what happens with guns across the country. 

5. They don’t solve enforcement offense – states only use federalism as an excuse because they hate gun bans – fiating states do it is object fiat and also has no solvency bc agencies and bureaucrats won’t comply even if they pass the bill

6. CP links to politics – states passing the same policy would piss off the NRA and increase lobbying which is the internal link to GOP votes –also independently pisses off conservatives so they’d backlash

7. State enforcement is racist – welfare policies prove. Cashin 99:

Sheryll D. Cashin, Professor of Law, GeorgetownUniversityLawCenter, 1999, Columbia Law Review, 99 Colum. L Rev. 552, “Federalism, Welfare Reform, and the Minority Poor: Accounting for the Tyranny of State Majorities,” p. 591-4

While state majoritarian political and economic self-interest augurs poorly for redistributive spending at the state level, racial attitudes also create a serious risk of state majoritarian tyranny over welfare recipients.   Consistent with Madison's intuition that majority factions are more likely to dominate weak minorities at lower levels of government, the history of racial subordination in the United States has been marked by a great deal of state sponsorship or acquiescence in racist acts and policies. While the federal government has also been a sponsor of racist policies, federal intervention has historically been necessary to ameliorate both state-sponsored racial discrimination and private discrimination acquiesced in by many states. Similarly, the dominant role of race in shaping white voters' attitudes toward welfare recipients suggests a continuing need for federal-level protections against majoritarian tyranny.Historically, the decision to decentralize many aspects of AFDC implementation was tied directly to racial attitudes concerning African- Americans. In charting the historical evolution of the AFDC program and other social welfare policies, one author concluded that "African- Americans have suffered most when the institutions of American social policy have been parochial, and they have benefited the most when those institutions have been national." The risks of majoritarian tyranny at state and local levels stem from the fact that popular sentiments regarding welfare spending are "race-coded." In other words, while policy debates concerning welfare appear to be race neutral, racial attitudes, specifically those of the white majority, are a strong determinant of the public's level of support, velnon, for welfare spending. Relying on a national opinion survey, Martin Gilens has found that "the dimension of racial attitudes with the strongest effect on welfare views is the extent to which blacks are perceived as lazy, and this perception is a better predictor of welfare attitudes than such alternatives as economic self-interest, egalitarianism, and attributions of blame for poverty." In a subsequent telephone survey designed to assess separately the influence of popular attitudes toward the poor and popular attitudes toward African-Americans, Gilens found that whites' perception that blacks are lazy was more important in shaping their opposition to welfare than their perceptions of poor people generally. Ultimately, Gilens concluded that "racial considerations are the single most important factor shaping whites' views of welfare." In particular, white Americans have typically exaggerated the degree to which African-Americans constitute the poverty and welfare population. Welfare, **therefore,** tends to take on a powerful symbolic meaning for white voters that can be "attractive to some politicians precisely because they can exploit the power of racial suspicion **and animosity while insulating themselves from charges of race-baiting**."

8. 50 state fiat is illegitimate

a. artificially inflates the worth of bad disads by creating any risk of a link analysis

b. uniform fiat means it isn’t real world and they can always fiat out of our solvency deficits

c. Ground- 50 states moots the entirety of the AC since it does the same thing as the AFF – I can’t leverage any of the AFF against the CP, and 1AR time skew means starting the round over in the 1AR is impossible

d. Topic education – states CPs don’t require topic research and shift the debate about agents instead of about IPV – that outweighs 1. Wolfe says discussion of IPV in education is more important 2. Can get actor education on any topic – only two months on this topic

This is a voting issue- the damage to 1AR is done, rejecting the argument is impossible

9. This is a federal loophole – having states take responsibility allows the federal government avoid responsibility for the harm it created – it also proves fed policies work since we’re just expanding an existing policy

***[If federalism DA]***

Perm shields the link to federalism by creating cooperation. **Harwood 02**

Harwood, William [an attorney in Portland,¶ Maine. He is President¶ of Maine Citizens¶ Against Handgun Violence¶ and a member of the¶ American Bar Association¶ Coordinating Committee¶ on Gun Violence] . "Gun Control: State Versus Federal Regulation of Firearms." Maine Policy Review 11.1 (2002): 58-73. TF

In addition to the federal government providing¶ the minimum floor and the states experimenting with¶ tougher regulations, the federal government and states¶ would cooperate on another level. Specifically, under¶ a coordinated federal-state approach, the federal¶ government would concentrate on regulating firearm¶ manufacturers and commercial dealers, and the states¶ would concentrate on private ownership and use of¶ firearms. Because of the need for uniformity in setting¶ standards for the manufacturer of firearms, it would be¶ preferable for the federal government to set those standards.¶ Conversely, when adopting regulations for the¶ safe storage of firearms inside the home or transfers¶ of guns between collectors or friends, there is much¶ less need for uniformity and much greater opportunity¶ for regulation to be tailored to reflect the specific values¶ and customs of a particular state.¶ Finally, the coordinated federal-state approach¶ would include a coordination of enforcement activities¶ by the two levels of government. For example, if¶ the federal government decided for reasons of fiscal¶ prudence not to devote enough resources to properly enforce federal regulations, the states would step in.¶ If there were not enough ATF agents to inspect the¶ records of the federally licensed gun dealers in a¶ particular state to ensure compliance with federal¶ regulations, the state police or some other state law¶ enforcement agency would begin doing so.

### A2 States CP (W/ DeFilippis)

1. National standards are key, otherwise right wing states pass watered down regulations – status quo state patchwork proves – that’s DeFilippis and Zimring. Can’r fiat uniformity

2. The plan allows cooperation with local police which solves their enforcement args

3. Background checks exist as part of federal law – NCIS background check is federally run by the FBI so banning on states wouldn’t work

4. CP links to politics – states passing the same policy would piss off the NRA and increase lobbying which is the internal link to GOP votes –also independently pisses off conservatives so they’d backlash

5. States won’t enforce AFF not bc it’s federal but bc it’s a gun ban – fiating states do it has no solvency bc agencies and bureaucrats won’t comply even if they pass the bill

6. State enforcement is racist – welfare policies prove. **Cashin 99**

Sheryll D. Cashin, Professor of Law, GeorgetownUniversityLawCenter, 1999, Columbia Law Review, 99 Colum. L Rev. 552, “Federalism, Welfare Reform, and the Minority Poor: Accounting for the Tyranny of State Majorities,” p. 591-4

While state majoritarian political and economic self-interest augurs poorly for redistributive spending at the state level, racial attitudes also create a serious risk of state majoritarian tyranny over welfare recipients.   Consistent with Madison's intuition that majority factions are more likely to dominate weak minorities at lower levels of government, the history of racial subordination in the United States has been marked by a great deal of state sponsorship or acquiescence in racist acts and policies. While the federal government has also been a sponsor of racist policies, federal intervention has historically been necessary to ameliorate both state-sponsored racial discrimination and private discrimination acquiesced in by many states. Similarly, the dominant role of race in shaping white voters' attitudes toward welfare recipients suggests a continuing need for federal-level protections against majoritarian tyranny.Historically, the decision to decentralize many aspects of AFDC implementation was tied directly to racial attitudes concerning African- Americans. In charting the historical evolution of the AFDC program and other social welfare policies, one author concluded that "African- Americans have suffered most when the institutions of American social policy have been parochial, and they have benefited the most when those institutions have been national." The risks of majoritarian tyranny at state and local levels stem from the fact that popular sentiments regarding welfare spending are "race-coded." In other words, while policy debates concerning welfare appear to be race neutral, racial attitudes, specifically those of the white majority, are a strong determinant of the public's level of support, velnon, for welfare spending. Relying on a national opinion survey, Martin Gilens has found that "the dimension of racial attitudes with the strongest effect on welfare views is the extent to which blacks are perceived as lazy, and this perception is a better predictor of welfare attitudes than such alternatives as economic self-interest, egalitarianism, and attributions of blame for poverty." In a subsequent telephone survey designed to assess separately the influence of popular attitudes toward the poor and popular attitudes toward African-Americans, Gilens found that whites' perception that blacks are lazy was more important in shaping their opposition to welfare than their perceptions of poor people generally. Ultimately, Gilens concluded that "racial considerations are the single most important factor shaping whites' views of welfare." In particular, white Americans have typically exaggerated the degree to which African-Americans constitute the poverty and welfare population. Welfare, **therefore,** tends to take on a powerful symbolic meaning for white voters that can be "attractive to some politicians precisely because they can exploit the power of racial suspicion **and animosity while insulating themselves from charges of race-baiting**."

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### A2 White People PIC

We don’t take guns away from blacks who would need them for self defense – guns are only bad when they’re used by convicted abusers to commit IPV – black women face high rates of IPV from black men so white men are not the sole abusers. **Brittney Cooper 15**

Brittney Cooper [a contributing writer at Salon, and teaches Women's and Gender Studies and Africana Studies at Rutgers.] “The gun crisis we aren’t talking about: Black women are under attack — and America doesn’t care” Salon. October 21, 2015. CC

The Black Lives Matter Movement has popularized a statistic released a few years ago in a report by the Malcolm X Grassroots Movement. The report found that a Black person is killed every 28 hours by a law enforcement officer or vigilante. A new study released by the Violence Policy Center provides another alarming statistic: Once every 21 hours, a Black woman is a victim of fatal intra-racial violence by a male perpetrator. According to that study, which tracks the number of women killed by men each year, more than 1,600 women were murdered by men in single victim/single offender incidents in 2013. (Because the study only accounts for wives, ex-wives or current girlfriends, taking ex-girlfriends into account would surely make that number even higher.) Ninety-four percent of these women were killed by men they knew and 62 percent were wives or intimate acquaintances of their killers. Black Americans make up 14 percent of the population, and yet, of those 1,600 murders, 453 — or 28 percent — were black women. Of those 453 murders, 416 were intra-racial. Thus: Once every 19 hours a Black woman is killed by a man. Once every 21 hours a Black woman is killed by a Black man. 92 percent of the time she knows her murderer. 56 percent of the time, she is wife, ex-wife or girlfriend of her killer. The study does not account for ex-partners or ex-girlfriends, a fact which would surely make that percentage skew higher. In these incidents, the most common weapon used was a gun. \* \* \* Far too often when we speak about our national epidemic of gun violence, our outrage is tethered to sensational cases, like the killing of the Charleston 9 or the recent slaughter of students at an Oregon community college. After these incidents occur, we commence our usual handwringing about the culture of gun violence. Existing discourses about violent crime continue to make Black women intersectionally invisible. Within Black political discourses, the focus on intracommunal and intraracial crime usually centers on violent neighborhood-based crime, perpetrated by young men. Within our broader national conversation about gun control, female victims of lethal intimate partner violence are rarely the driving force for the conversation. And within our broader national narrative about Black lives, we focus primarily on the high number of killings of Black male victims by police. Talking about domestic violence in Black communities when appalling stories like the police killing of Corey Johnson emerge seems like a hard call to make. The statistics from the Violence Policy Center do not take into account the epidemic of murders of trans women of color that LGBTQ activists have brought to our attention in the last several years. On October 15, a young man of color fatally shot Zella Ziona, a trans Black woman, after their friendship became public knowledge. We have had over 20 such murders of trans people this year, most of them women of color. Sometimes these women are victims of targeted hate crimes by cisgender men who seek to police and punish trans women for daring to occupy public space. Sometimes these men have had intimate or sexual interactions with transwomen, after which they choose to enact brutal and transphobic forms of violence. Intimate partner violence is always about power and control, and Black feminist theorists have long named the particular vulnerabilities that (cisgender) Black women in heterosexual partnerships face when their husbands or significant others are structurally foreclosed access to the privileges of patriarchy. Black men don’t just take out their frustrations about white supremacy and white male privilege on other Black men; they come home and take it out on the bodies of women they claim to love. To be clear, most crime is intra-racial, despite conservative public narratives about Black-On-Black crime. So in naming the problem of fatal domestic violence that we have in Black communities, I am not attempting to pathologize Black people. People commit crime where they live, against those in closest proximity to them. But uninterrogated masculinity is a violent enterprise, period. It does not matter the race (or the sex) of the body opting to perform masculinity. If the person does not question what masculinity means, then misogyny, violence, domination and control are par for the course. Even our national political discourse on guns frequently pits one group of men arguing with another group men over their right to have access to guns. But women will not be safe until we create a comprehensive national framework for thinking about domestic violence as structural and state-sanctioned violence. Gabby Giffords’ new Women’s Coalition for Common Sense (on which I serve) is doing work to make the connection between guns and domestic violence, and it is work I applaud. If the state refuses to regulate guns, it continues to support and facilitate a culture where all its citizens are vulnerable to victimization, women and children being chief among them. At the same time, Black political discourses about the value of Black life have severe blind spots when they fail to consider domestic violence as a form of structural and state-sanctioned violence, in which cisgender Black men collude with the state against the well-being of Black women and girls, cis and trans. We are long overdue for creating a comprehensive framework for talking about violence toward Black women, trans\* and cis, that takes into account these forms of structural vulnerability. That conversation will necessarily demand that we interrogate the violent, limited, and narrow forms of masculinity which Black men are asked to perform in churches, in politics, and in cultural production. But while Black communities engage in that work, we need comprehensive gun control legislation. Too many Black (women’s) lives are circumscribed by the barrel of a too-easily accessible handgun. Like the vast majority of Black people I know, I am intimately aware of the way that both women and men in Black communities lose when we fail to demand a shift in the culture of patriarchal violence. I lost my father to gun violence, after he was trying to protect a woman he was dating from a man she knew who had a gun and a temper. Another of my close female relatives survived horrific gun violence at the hands of an intimate partner. And one of my siblings is now co-parenting her partner’s son, because his mother was stalked and murdered by her male intimate partner last year. The brutalization of Black women is quotidian. The murders of cis and trans\* women are usually not committed by the police or by vigilantes. Because of this, these deaths don’t galvanize national movements. Black women are taught to protect the embattled social image of Black men at all costs, even at the cost of our own lives, so we frequently refuse to tell the truth about the levels of brutality we experience. But any time I’m sitting in a room with more than three Black women, if I sit long enough, all three can tell a story of some form of horrific physical or sexual violence that she or another woman whom she cares deeply about has experienced. The truth of it is this: Once a day and something like twice on Sundays, a Black man takes a Black woman to meet her maker. Now we are not solely responsible for this monstrous terrain of Black intimacies. Black folks rarely get to love other Black folks on their own terms. We know Black men are not monsters. We don’t need or require Black women to be angels. But our shared intimate terrain has become a killing field, and this is simply no way to live. Together, in community, we must figure our way out of no way.

Perm pass the AFF but only enforce it for white people – solves the entirety of the CP but legally codifies all IPV as a crime

The CP would get struck down – violates equal protection clause in the 14th amendment

Blacks can use self-defense with every other gun – there’s no reason handguns are key to self-defense – the black panthers organized communities with long guns and assault rifles so any risk handguns are used for IPV means the plan solves their impact

PICs are illegitimate – they artificially reduce clash and refocus the debate to a tiny section that they’re most prepped on – also moves the discussion away from guns and IPV which is key in education as per **Wolfe 99** – that’s a voting issue

Perm do the CP – justified because the PIC took away a large section of our ground and the 1AC, so we can reciprocally get access to a large part of the 1NC

This will only massively increase policing and whites terrorizing blacks. **Winant 97**

Howard Winant 97, Professor of Sociology and Director of the Center for New racial Studies at UC Santa Barbara, September-October 1997, “Behind Blue Eyes: Contemporary White Racial Politics,” <http://www.soc.ucsb.edu/faculty/winant/whitness.html>

Indeed, for the US to come to terms in the mid-20th century with its own history of conquest and enslavement would have involved at a minimum a deep national reckoning. It would have severely threatened the foundations of the nation-state. The consequences of this agonizing self-appraisal would necessarily have included massive economic redistribution and the kind of atonement for white supremacy which was later to be associated with demands for compensatory programs such as "affirmative action" -- or more properly, reparations. Thus the threat posed by the black movement -- material, political, and psychic -- to the key institutions of the Pax Americana, not to mention the majority of the US population, the white majority, was profound. ¶ In opposition to this threat, building upon the foundation laid down by Wallace, the new right developed a political orientation that was nationalist, populist, and authoritarian. This position, of course, has numerous precedents in earlier historical moments. It seeks by covert means to legitimate the "psychological wage" that Du Bois argued was an essential benefit allocated to whites by white supremacy (Du Bois 1977 [1935]). It continues the racist legacy of southern populism, which in the past bred the likes of Ben Tillman and Theodore Bilbo (Woodward 1973). And it associates whiteness with a range of capitalist virtues: **productivity,** thrift, obedience to law, self-denial, and sexual repression. This in turn permits the crucial articulation of corporate and white working class interests -- the cross-class racial alliance -- which endows new right positions with such strategic advantage today.¶ Like the far right, the new right seeks to present itself as the tribune of disenfranchised whites. But the new right is distinguished -- if not always sharply -- from the far right by several factors. First, rather than espouse racism and white supremacy, it prefers to present these themes subtextually: the familiar "code-word" phenomenon. Second, it wholeheartedly embraces mainstream political activity, rather than abjuring it or looking at it suspiciously. Third, it can accept a measure of nonwhite social and political participation, and even membership (think of Alan Keyes, for instance), so long as this is pursued on a "color-blind" basis and adheres to the rest of the authoritarian, nationalist formula. For the far right in general, "color-blindness" is race mixing and therefore verboten. For the new right, suitably authoritarian versions of "color-blindness" are fine.¶ The new right diverges from neoconservatism (discussed below), in its willingness to practice racial politics subtextually, through coding, manipulation of racial fears, etc. De facto, it recognizes the persistence of racial difference in United States society. The new right understands perfectly well that its mass base is white, and that its political success depends on its ability to interpret white identity in positive political terms. Precisely because of its **willingness to exploit racial fears and employ racially manipulative practices,** the new right has been effective in achieving much of its agenda for political and cultural reaction and social structural recomposition. These were crucial to the new right's ability to provide a solid base of electoral and financial support for the Republican Party and the Reagan "revolution." The demagoguery employed by George Bush in the 1988 Willie Horton campaign ads, or by Pete Wilson or Phil Gramm in their contemporary attacks on immigrants and affirmative action, shows this strategy is far from exhausted. Neoconservatism has not, and could not, deliver such tangible political benefits, and in fact lacks an equivalent mass political base. That is why the neoconservatives are seen as a bunch of "pointy-headed intellectuals" by many on the new right. While the far right is not at present a real political threat, its advocacy and practice of racial terrorism should generate far more concern than has been evidenced so far. Assaults on minority and Jewish institutions and individuals, and the targeting and threatening **of** prominent anti-racist activists and organizations, continue a long-standing US tradition of white violence and intimidation. The openly insurrectionary stance of a range of far right groups, their possession of substantial quantities of arms, their determination to recruit disaffected and anomic white youth, their widespread circles of adherents in police agencies and the military, their growing international coordination, and their adoption of far more sophisticated techniques of organization (so-called "leaderless cell structures," for example), are all disturbing in their own right. ¶ But beyond the present moment, **the real danger presented by the far right racial project** is linked to the potential for the emergence of a full-fledged fascist movement in the US. It is by no means certain that such a movement could develop, but it would be irresponsible to rule out such an eventuality. Far right groups would have serious contributions to make to such an effort: they could provide "shock troops" in situations of social upheaval, for example. Furthermore, because today there is no clear dividing line between far right racial ideology and more "moderate" forms of right-wing white identity politics (notably the new right racial projects discussed in the next section), it is possible that an ideological convergence might occur as well.

This will cause more Black people to die. **Everitt 10**

Ladd Everitt 10 [(Ladd Everitt, ) Debunking the 'gun control is racist' smear Waging Nonviolence 9-16-2010, brackets in original evidence]

Did lack of access to firearms play a unique role in preventing blacks from vindicating their rights prior to the civil rights movement? That seems to be the obvious inference of statements like, “The former Confederate states’ successful efforts to restrict gun ownership had disastrous long-term consequences for black Americans’ life, liberty and pursuit of happiness.” The problem is that history is replete with examples of African-American communities being severely punished and repressed after they did take up arms against white terrorists. Take, for example, the admission by David Rittgers: Confronted with the prospect of armed freedmen who could stand up for their rights, states across the South instituted gun-control regimes that took away the ability of blacks to defend themselves against the depravity of the Klan. Then there are Eli Cooper and Nat Turner, two African-Americans cited by Justice Thomas in his opinion in McDonald. Thomas cites the remark that Cooper is alleged to have made in Georgia in 1919: “[The] Negro has been run over for 50 years, but it must stop now, and pistols and shotguns are the only weapons to stop a mob.” What he doesn’t tell us is that this statement was apparently the provocation that caused 20 white men to attack Cooper in his home with axes and knives. Nor does Thomas explain how a firearm would have preserved Cooper’s life in such a situation. Finally, the same newspaper article cited by Thomas that mentions Cooper also tells the story of Berry Washington, a black man who was lynched in the same town as Cooper mere months earlier. Washington took up arms against a White terrorist, shooting and killing a man who was about to rape his 16-year-old daughter. After surrendering to the local sheriff, Washington was pulled out of jail by a mob and lynched. Thomas also refers to Nat Turner, a Virginian slave and preacher who staged a rebellion to seek God’s judgment against the institution of slavery. The revolt began on the night of August 13, 1831, when Turner and six of his followers went from house to house killing slave owners and their families with a hatchet and a broad axe. At each house, the rebels freed any slaves they encountered and stocked up on more weapons. Eventually, his force numbered 60 men—all armed with guns, axes, swords and clubs. The revolt lasted nearly 10 days and 57 whites were killed before the group was pushed back by militia and federal forces. Although Turner escaped, he was caught two months later, immediately convicted, and hanged. In Virginia, the retribution was brutal: A reign of terror followed in Virginia. Labor was paralyzed, plantations abandoned, women and children were driven from home and crowded into nooks and corners. The sufferings of many of these refugees who spent night after night in the woods were intense. Retaliation began. In a little more than one day 120 Negroes were killed … One individual boasted that he himself had killed between ten and fifteen Negroes … Negroes were tortured to death, burned, maimed and subjected to nameless atrocities. Thomas himself tells us the broader consequences of Turner’s exercise of “Second Amendment rights”: “The fear generated by these and other rebellions led southern legislatures to take particularly vicious aim at the rights of free blacks and slaves to speak or to keep and bear arms for their defense.” The Colfax Massacre is another tragedy frequently cited by the majority in McDonald. Colfax actually began as a civil rights success story. During the Reconstruction period, African-Americans in the small Louisiana town elected officeholders, held important public positions, and even organized a state militia company led by a black man, William Ward. Eventually, however, their unit was demobilized after moving too aggressively to arrest white terrorists. A withdrawal of federal government support set the stage for the massacre on April 13, 1873, when between 62-81 African Americans—more than half of them armed with firearms—were slaughtered by a larger, better-equipped force of whites. As my boss, CSGV Executive Director Josh Horwitz, and Casey Anderson put it, according to gun rights activists: …the collapse of Reconstruction—and every tragic consequence that followed—could have been avoided if the newly freed slaves had had access to firearms. This explanation of events is a fantasy. It is easy…to identify incidents where the victim of racist violence might have defended themselves more effectively if they had been armed with guns. The idea that white racists could have been kept in check by ensuring widespread access to firearms among black southerners, however, is absurd. In fact, the American experience during and after Reconstruction illustrates that the…premise…that private ownership of guns safeguards individual rights against tyranny of the majority is exactly backward in explaining the relationship between private force and state power in protecting individual rights … Not only is the claim that gun rights could have stopped the Jim Crow system a falsehood, but it covers up the even more important insight that [this argument] is a continuation of a concerted effort, born and nurtured in the antebellum South, to limit the federal government’s effectiveness in protecting the democratic rights of the most vulnerable Americans. I can’t help but think of Lifetime National Rifle Association (NRA) Member Rand Paul advocating for the repeal of a section of the 1964 Civil Rights Act and stating that gun carriers should be a protected class like minorities. Nor could “Reclaim the Dream” rally organizer Rev. Al Sharpton when he recently referred to Paul while noting that King’s life work was conducted “for the precise purpose of pushing for increased federal action and involvement to nullify all discriminatory state and local practices.”

Violence from guns is an everyday war on blacks – whites put guns in the inner city to create black on black violence. **DeBrabander 15**

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015, CC

But this is far from the real thing. Gruesome Hollywood depictions spark deep, irrational fear of crime, but they do not communicate or reflect its real face, which is readily seen— if we care to look— in our inner cities and countless poor communities across America. While Americans eagerly devour spectacular bloodshed as entertainment— and use that to justify their need for a gun, indeed, many guns— hundreds of people meet an unglorious, unremarked death on the streets of cities like Baltimore every year. The television viewing public does not come to know the mean conditions of their demise, the quick, blunt ends of desperate lives. The fates of Baltimore’s murdered poor are hardly celebrated or studied by the media, and are instead belittled or swept under the rug by police and politicians. Suburbanites commute to work every day amidst the violence that afflicts Baltimore’s most desperate neighborhoods on either side of the highway; they flock to football and baseball games downtown, oblivious to the misery that rules the city’s roughest streets and how they are so surely insulated from it. For poor blacks— who are disproportionately affected by violent crime— the America they know can be a veritable war zone. According to a Bureau of Justice Statistics report, between the years 1976 and 2005, the homicide rate for white Americans was 4.8 per 100,000, but an astounding 36.9 for blacks. 80 The United States Conference of Mayors, one of the loudest voices calling for gun control, noted in 2012 that “homicide is the leading cause of death for African American males between the ages of 15 and 24.” African Americans comprise just 15 percent of the nation’s child population, but “made up 45 percent of child gun deaths in 2008 and 2009,” the Children’s Defense Fund reports. 82 Many of our nation’s mayors, as well as many African Americans, complained following the Sandy Hook shootings, when the American public seemed newly aware of gun violence, that the constant flood of gun deaths in our inner cities is neglected and ignored. The Washington Post ran an article on residents of the most dangerous neighborhood in the District, noting their frustration that the killings “in mostly white, middle class Newtown, Connecticut” spurred political concern. “Twenty-six people died in Sandy Hook Elementary. In the District’s Sixth Police District, an area of fewer than 10 square miles … 19 lives were lost to gun violence last year and 55 people were wounded in shootings. The year before that, 22 people were killed and 35 were wounded. Eighty-eight lives were lost in the city last year.” 83 A quarter of Washington’s murders took place in one small part of the city, a neighborhood subjected to a merciless onslaught of violence. It is no surprise that inner-city residents tend to find the notion of “gun rights” a bit offensive. Of the homicide epidemic that afflicts the African American community at large, the Centers for Disease Control points out, “more than 90 percent of the violence is from other blacks, mostly from guns.” 84 As one Washington resident put it, “[ guns] are for wars, and we have a war in the inner city.” 85 It is hardly conceivable that the rest of America would tolerate all the talk equating gun rights and freedom if middle-class whites were killing one another at similar rates.

This is NRA manipulation – the majority of blacks support gun control. **Everitt 10**

Ladd Everitt, 9/16/10, “Debunking the ‘gun control is racist’ smear,” Waging Non-Violence, DT.

In a Pew [poll](http://pewresearch.org/pubs/1212/abortion-gun-control-opinion-gender-gap) taken last year, **an overwhelming majority of blacks**, 72%, **said it was more important to control gun ownership than to protect the right to own guns**. Only 20% said that protecting the right to own guns was more important. There’s a [good reason](http://www.vpc.org/studies/blackhomicide10.pdf) why **few African-Americans associate guns with “freedom”** and “liberty.” **The** national U.S. **homicide rate** is 5.3 per 100,000 people. **Among blacks,** it’s 20.9 per 100,000. That’sfour times the national rate and **seven times the white rate.** In 82% of black-victim homicides in which the fatal weapon can be identified, it’s a gun. And 73% of those gun deaths are inflicted by handguns. Charles Lane has [said](http://www.washingtonpost.com/wp-dyn/content/article/2008/03/21/AR2008032102540.html) that, **“Firearms pose threats to modern-day urban dwellers—**crime, suicide, accidents—**that** may **outweigh any self-defense** they provide. Unlike 19th-century rural Americans, we can call on professional police.” Otis McDonald might not agree, but certainly other African-Americans in his community do. Annette Holt, whose 16 year-old son was shot and killed on a Chicago school bus while shielding a fellow student from harm, [called](http://www.voanews.com/english/news/usa/Debate-Continues-over-US-Gun-Laws-97875114.html" \t "_blank) the *McDonald v. Chicago* decision “a slap in the face to all of us who have lost children to gun violence.” Then there is **the Chicago City Council, which voted unanimously to approve the city’s strict,** post*-McDonald* **gun laws.** Robert Farago was blunt in his [assessment](http://www.washingtontimes.com/news/2010/jul/6/racist-pols-go-straight-back-to-disarming-blacks/): “Not to put too fine a point on it, Chicago’s new handgun-licensing laws are inherently racist.” **NRA** CEO Wayne LaPierre [ranted](http://www.youtube.com/watch?v=W8IotbyXzko) about “defiant city councils” that seek to “nullify” *McDonald*with regulations that are akin to “the poll tax or the literacy test.” Both men **failed to mention that 20** out **of the** Chicago City **Council’s 50 members are African-American.** One has to wonder if the tragic irony of the *McDonald* decision was lost on the Supreme Court’s conservative majority and pro-gun activists. “[The Second Amendment] now is being used to help protect a black Chicago man from local gangbangers,” Clarence Page wrote. Those **gangbangers** aren’t white terrorists from days gone by. **In many cases, they’re black kids with sophisticated weaponry courtesy of a deliberate marketing effort by firearm manufacturers.** The Bureau of Justice Statistics has [reported](http://bjs.ojp.usdoj.gov/content/homicide/race.cfm) that, between 1976 and 2005, 94% of black homicide victims were killed by blacks.

Speaking for others furthers oppression and makes solutions impossible. **Alcoff 91**

\*Bracketed for gendered language.

Hunter College and CUNY philosophy professor, 1991 (Linda Martin, “The Problem of Speaking for Others” originally published in Cultural Critique, No. 20, Winter, 1991-1992 , cut from www.alcoff.com/content/speaothers.html EE

The recognition that there is a problem in speaking for others has followed from the widespread acceptance of two claims. First, there has been a growing awareness that where one speaks from affects both the meaning and truth of what one says, and thus that one cannot assume an ability to transcend her location. In other words, a speaker's location (which I take here to refer to ~~her~~ [their] social location or social identity) has an epistemically significant impact on that speaker's claims, and can serve either to authorize or dis-authorize one's speech. The creation of Women's Studies and African American Studies departments were founded on this very belief: that both the study of and the advocacy for the oppressed must come to be done principally by the oppressed themselves, and that we must finally acknowledge that systematic divergences in social location between speakers and those spoken for will have a significant effect on the content of what is said. The unspoken premise here is simply that a speaker's location is epistemically salient. I shall explore this issue further in the next section. The second claim holds that not only is location epistemically salient, but certain privileged locations are discursively dangerous.[5](http://alcoff.com/content/speaothers.html#footnote5) In particular, the practice of privileged persons speaking for or on behalf of less privileged persons has actually resulted (in many cases) in increasing or reenforcing the oppression of the group spoken for. This was part of the argument made against Anne Cameron's speaking for Native women: Cameron's intentions were never in question, but the effects of her writing were argued to be harmful to the needs of Native authors because it is Cameron rather than they who will be listened to and whose books will be bought by readers interested in Native women. Persons from dominant groups who speak for others are often treated as authenticating presences that confer legitimacy and credibility on the demands of subjugated speakers; such speaking for others does nothing to disrupt the discursive hierarchies that operate in public spaces. For this reason, the work of privileged authors who speak on behalf of the oppressed is becoming increasingly criticized by members of those oppressed groups themselves.[6](http://alcoff.com/content/speaothers.html#footnote6)

### A2 XO CP (New)

#### General

1. Perm do both – shields the link net benefits

2. Perm do the CP –executive branch is one branch of the USFG so plan passes through XO.

3. CP overturned by SCOTUS, links to politics, and destroys separation of powers. **Coffina 13**

Scott Coffina, "Gun Control by Executive Order?," National Review Online, January 16, 2013. CC

It is unlikely that the president would move to confiscate or prohibit handguns through executive action, or even through legislation, for that matter. The Second Amendment is alive and well. The U.S. Supreme Court has reaffirmed the right of individuals to possess firearms for self-defense and other traditionally lawful purposes twice in the past five years. And to be clear, President Obama has never suggested he would pursue this course of action. On the other end of the spectrum, pursuant to his constitutional mandate to “take Care that the Laws be faithfully executed,” the president clearly has the authority to direct the Department of Justice to prioritize more comprehensive enforcement of the gun laws already on the books or to enhance tracking of the paperwork related to the sale and registration of guns. Presidents George H. W. Bush and Bill Clinton actually implemented gun-control measures by executive orders pursuant to this authority, banning the importation of certain assault weapons under existing gun-control laws. The key question is how much President Obama might try to accomplish by executive action in the gray areas. It is possible that he can make background checks for gun buyers mandated by the Brady Bill more effective and efficient and also facilitate better sharing of mental-health information (if he is willing to take on the ACLU in doing so) by executive action. However, if he goes further and attempts to ban assault weapons or high-capacity ammunition magazines unilaterally, he will be on shaky legal ground. Although the Heller Court stated that the right to possess a firearm does not include the right to possess any kind of weapon for any purpose, it is unclear whether a blanket ban on assault weapons and high-capacity magazines (even if duly passed by Congress) would survive a Second Amendment challenge (it may depend, in part, on how such weapons were defined). Moreover, an executive order banning assault weapons falls within the legislative authority of Congress, and thus implicates the separation-of-powers doctrine. Indeed, Congress has acted in this area, passing a ban on assault weapons and high-capacity magazines in 1994, and — equally significant — also has chosen not to act since the ban expired in 2004. Should the president attempt to supersede Congress’s clear legislative prerogative in this area by executive order, one would expect the courts, under the rationale of Youngstown Sheet & Tube, to strike his measure down. As important, if the president decides to bypass the legislative process and act unilaterally to limit guns, he will be courting a political disaster. The NRA is not some fringe group of irrational gun nuts seeking to take advantage of the Sandy Hook tragedy to drum up members and donations, as the mainstream media and even the president have implied. Rather, it represents the serious concerns of millions of law-abiding Americans, from both parties, who value their Second Amendment right to gun ownership for self-defense, sport, and protection against disorder or government tyranny, as the Framers originally intended. The president once derisively talked about “bitter” small-town residents’ “cling[ing] to guns or religion.” Well, nothing would make people cling harder to their guns than an effort to ban them by executive fiat. And the courts, most likely, would support them. The Washington Post recently released a poll showing that a small majority of Americans are more likely to support gun-control measures in the wake of Newtown. If the president taps into that underlying support and is able to approach the matter with a spirit of compromise — and as part of a larger package that must also include serious proposals to better identify and compassionately treat mentally ill individuals who might be prone to violence, and efforts to have the entertainment industry tone down the indiscriminate killing without consequence in video games, television, and movies — perhaps Washington will surprise us and some reasonable gun-control measure could pass. (Whether it would be effective or not is a different question.) Thus, the president should not throw up his hands and conclude that a legislative effort is too difficult to pursue. The political process really is the only way — banning guns by executive order would be unnecessarily provocative and legally unsustainable, and it may not even prevent the next Newtown, which, after all, is supposed to be the goal.

4. XO CPs may only fiat action by a single government actor

1. ground: our interp is best—lets the neg test the aff agent but prevents stealing the most realistic answers to the CP. Rollback and enforcement are the key issues with executive orders.
2. Topic education—their interp devolves into a generic debate about XOs, because they make questions of solvency and enforcement irrelevant.

Voter for fairness and education—without a level playing field you can’t judge the better debater and topic education is the key value of the activity.

5. Doesn’t solve—can’t ban ownership with XO. That has to go through congress. **Lafrance 15**

http://www.theatlantic.com/politics/archive/2015/12/why-cant-president-obama-just-fix-the-gun-epidemic-himself/418839/

**The limitations of executive power are such that the president can only alter existing** laws or make **administrative changes** to existing programs; **he can't create new laws** from scratch by himself. A more modest approach is also more likely to stick, at least for a while. “It can get tied up in the courts pretty easily, and the courts seem open to dealing with questions of executive power,” said Julian Zelizer, a professor of history and public affairs at Princeton University. “Conservatives are ready to challenge anything he does on this, and he’s aware of that.”

Timing is another challenging factor. Obama’s presidency is nearly over. “The next president can get rid of whatever he does,” Zelizer said. “The durability of executive action is much thinner than legislation, and much more fragile.”

Republican candidates have already told voters they plan to undo Obama’s work using their own executive action, if elected. “We’re going to be unsigning a lot of executive orders,” Donald Trump recently promised on the campaign trail,[according to *The Daily Caller*](http://dailycaller.com/2015/12/03/trump-suggests-hell-use-executive-orders-to-unsign-obamas-agenda/).

Although the majority of Americans believe gun sales should be stricter, according to an [October Gallup poll](http://www.gallup.com/poll/186236/americans-desire-stricter-gun-laws-sharply.aspx), many Republicans believe Obama will go too far if he uses executive power at all. But **the idea that Obama would do anything dramatic, like an attempt to ban firearms or significantly restrict access to them**—an approach taken in several other countries following mass shootings—**is unrealistic**.

“**Unless somehow he invokes wartime power**, but that’s not going to happen,” Zelizer said. “No, **he has to deal with laws pertaining to background checks and licenses and try to take action through that**. Without question, his preference is legislation, but I think he just doesn't see that happening. Even if public opinion is strongly on the side on regulation, the process is broken.”

#### Ptx

CP links to politics comparatively more. **Hallowell 13**

Billy Hallowell 13, writer for The Blaze, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS” Feb. 11, 2013, <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>

“In an era of polarized parties and a fragmented Congress, the opportunities to legislate are few and far between,” Howell said. “So presidents have powerful incentive to go it alone. And they do.”¶ **And the political opposition howls**.¶ Sen. Marco Rubio, R-Fla., a possible contender for the Republican presidential nomination in 2016, said that on the gun-control front in particular, Obama is “abusing his power by imposing his policies via executive fiat instead of allowing them to be debated in Congress.”¶ The Republican reaction is to be expected, said John Woolley, co-director of the American Presidency Project at the University of California in Santa Barbara.¶ “For years **there has been a growing concern about unchecked executive power**,” Woolley said. “It tends to have a partisan content, with contemporary complaints coming from the incumbent president’s opponents.”

XO links to politics--appropriations still goes through congress. **Howell 99**

Moe and Howell 99 [Terry, prof of political science @ Stanford, and William, Associate Prof @ Harvard, Presidential Studies Quarterly, December 1999, <http://www.blackwell-synergy.com/doi/pdf/10.1111/1741-5705.00070>]

Nonetheless, the appropriations constraint remains very real. Presidents are obviously best off if they can take unilateral actions that do not require legislative appropriations, and they will have incentives to do just that. Similarly, presidents will obviously not want to initiate major new programs through unilateral action, for even if the courts were to regard egregious instances of presidential lawmaking as constitutional, their need for substantial budgetary outlays would inevitably single them out for special legislative attention and lead to a decision process that is no different than what would have occurred had presidents simply chosen to seek a legislatively authorized program from the beginning. When presidents do take unilateral actions that require legislative funding, both the actions and their funding requirements are likely to be moderate and to take legislative preferences into account.

Executive orders draws controversy to the White House. **Cooper 97**

Cooper 97 [Phillip, Prof of Public Administration @ Portland State, Nov 97, “Power tools for an effective and responsible presidency” Administration and Society, Vol. 29, p. Proquest]

Interestingly enough, the effort to avoid opposition from Congress or agencies can have the effect of turning the White House itself into a lightning rod. When an administrative agency takes action under its statutory authority and responsibility, its opponents generally focus their conflicts as limited disputes aimed at the agency involved. Where the White House employs an executive order, for example, to shift critical elements of decision making from the agencies to the executive office of the president, the nature of conflict changes and the focus shifts to 1600 Pennsylvania Avenue or at least to the executive office buildings. The saga of the OIRA battle with Congress under regulatory review orders and the murky status of the Quayle Commission working in concert with OIRA provides a dramatic case in point.

#### OLC Tricks

OLC review is standard practice. **DOJ:**

U.S. Department of Justice. https://www.justice.gov/olc. JS.

**All executive orders and proclamations** proposed to be issued by the President **are reviewed by the O**ffice of **L**egal **C**ounsel **for** form and **legality**, as are various other matters that require the President's formal approval.

In addition to serving as, in effect, outside counsel for the other agencies of the Executive Branch, **the O**ffice of **L**egal **C**ounsel also plays a special role within the Department itself.  It **reviews all proposed orders of the A**ttorney **G**eneral **and all regulations** **requiring** the **A**ttorney **G**eneral’s **approval**.  It also performs a variety of special assignments referred by the Attorney General or the Deputy Attorney General.

The president should consult with the OLC over \_\_\_\_\_\_ and abide by the OLC opinion. The perm solves - plan is still passed by congress, but Obama gets to show he’s consulting the OLC.

Gun control XOs through the OLC still link to politics—recent history proves. **Elperin 15**

https://www.washingtonpost.com/politics/obama-weighs-expanding-background-checks-through-executive-authority/2015/10/08/6bd45e56-6b63-11e5-9bfe-e59f5e244f92\_story.html

White House **officials drafted the proposal in late 2013** to apply to those dealers who sell at least 50 guns annually, **after** **Congress had rejected legislation** that would have expanded background checks more broadly to private sellers. While **the** White House **O**ffice of **L**egal **C**ounsel **and** then-**A**ttorney **G**eneral Eric H. Holder Jr. initially **concluded the regulation was legally defensible**, according to several individuals involved in the discussions, some federal lawyers remained concerned that setting an arbitrary numerical threshold could leave the rule vulnerable to a challenge. ATF officials, moreover, objected that it would be hard to enforce and that it was unclear how many sellers would be affected by the change. **“Everyone realized it would be hugely politically controversial,”** said one individual, who spoke on the condition of anonymity to discuss private discussions.

#### Pres Powers NB

CP undermines presidential powers. **Scheir 11**

Scheir 2011(Steven E., Professor of Political Science at Carleton College, The Contemporary Presidency: The Presidential Authority Problem and the Political Power Trap Presidential Studies Quarterly Volume 41, Issue 4, pages 793–808, December)

So the “presidential authority problem” has several parts. Authority among elites faces limits due to the institutional thickening in national government. Authority among the public and in Congress suffers from the lessening of presidential political capital detailed in this article. Political authority, according to Skowronek, is designated in advance, works through institutions, and has enforceable mandates and perceptions (Orren and Skowronek 2004, 125). The decline in presidential political capital means that nowadays such traits are hard for presidents to come by. Advance designations frequently vanish among American governing elites and the mass public. Institutions are less “workable” for presidents. Mandates and perceptions are now evanescent, much less enforceable. This leads to a “presidential power trap.” Maintaining authority is hard and frustrating work, and in seeking to maintain it, presidents encounter widespread constraints. Yet the modern presidency grants an incumbent many formal powers over executive branch administration, foreign, and national security policy. The power is there, if the authority is not. So why not use the power—via unilateral decisions, signing statements and executive orders—while you have it, if authority is so hard to garner? The risk is that by using such powers, a president effectively destroys his authority. Richard Nixon's presidency, with its constitutional violations, is the signal example of this, but one can find evidence of the authority problem and power trap among other recent presidencies. Carter took his authority for granted, ignoring the maintenance of its elite and mass aspects, and paid the price. Reagan gradually relied more on executive power as authority problems grew, leading to the Iran-Contra imbroglio. George H. W. Bush exerted war powers but never found a stable basis in political authority. Clinton usually suffered an authority shortage and found his use of powers under steady political attack. George W. Bush's use of war powers destroyed his authority during his second term. Presidential efforts to increase their powers have drawn scholarly attention. As William Howell noted regarding these efforts, “almost all the trend lines point upward” (Howell 2005, 417). A recent manifestation of increasing power claims is the theory of the unitary executive introduced during the Reagan presidency and repeatedly asserted by George W. Bush. Exponents Steve Calabresi and John Yoo argue the Constitution “gives presidents the power to control their subordinates by vesting all of the executive power in one, and only one, person: the president of the United States” (Calabresi and Yoo 2008, 4). Thus Congress's power to interfere with executive branch decisions is quite limited, and the president has total control of all executive agencies within limits set by Congress. Several legal and presidential scholars have argued this theory gives too much rein to unilateral presidential action in a way that threatens the constitutional separation of powers and individual liberty (for example, Fisher 2010, Matheson 2009, Rudalevig 2006). Accompanying the unitary executive theory in the second Bush administration was an aggressive use of signing statements, presidential memoranda, and executive orders. Ambitious claims of unilateral presidential power have ominous implications: “The assertion by the executive that it alone has the authority to interpret the law and that it will enforce the law at its own discretion threatens the constitutional balance set up by the Constitution” (Pfiffner 2008, 227). Barack Obama and the Power Trap It is in the context of such controversies that Obama serves as president and continues to use unilateral tools when they prove convenient. Though he has publicly disavowed the theory of the unitary executive, like his recent predecessors he has made unilateral policy via executive order, presidential memoranda, and signing statements (Schier 2011). Upon taking office in 2009, Obama's executive orders reversed his predecessor's policies on U.S. government support for international family planning organizations, union organizing, and terrorist interrogation techniques. Another executive order secured passage of his landmark health care reform in early 2010. The order, banning the use of federal funds for abortion, secured the vital support of a group of antiabortion House Democrats. Obama employed presidential memoranda to order his energy secretary to formulate higher fuel efficiency standards for automobiles and energy efficiency standards for appliances (Schier 2011). In 2009, two of Obama's signing statements drew strong protests from Congress. In the statements, the president indicated he would not enforce certain provisions of the law with which he disagreed (Weisman 2009, Associated Press 2009). This stance echoed the approach of his predecessor, George W. Bush (Schier 2008). The ensuing uproar caused the administration to declare it would no longer issue such policy declarations in signing statements but would instead quietly disregard enforcement of laws it found unconstitutional (Savage 2010). In May 2011, Obama ignored requirements of the War Powers Resolution regarding his military incursion into Libya. The use of force occurred without prior consultation of Congress as required by the resolution. The administration also ignored the resolution's provision that Congress approve the use of the military within 60 days of their initial engagement in conflict until after the deadline had passed (Ackerman and Hathaway 2011). Obama initially enjoyed strong public approval but his job approval gradually sank, in part because of continuing slow economic growth and high unemployment. His impressive successes with Congress in 2009 and 2010 also accompanied a shift in the public mood against him, evident in the rise of the Tea Party movement and the large GOP gains in the 2010 elections. During 2009, James Stimson (2011) calculated the public mood shifted −.88 against Obama's policies. In comparison, the public's notable move against Obama's policy position was greater than that registered during the JFK, LBJ, and the first Bush presidencies. It also exceeded mood shifts during Clinton's second term and during either of the second Bush's two terms. By mid-2011 Obama's job approval had slipped well below its initial levels, and Congress was proving increasingly intransigent. In the face of declining public support and rising congressional opposition, Obama, like his predecessors when faced with similar circumstances, continued to resort to the energetic use of executive power. Declining political capital, rising authority problems, and accompanying assertions of executive power—we have seen this movie before. Obama thus faces an authority problem and a power trap. Only by solving the former is he likely to avoid the latter. Presidents in recent years have been unable to prevent their authority—evident in their political capital—from eroding. When it did, their power assertions often got them into further political trouble. None of his post-1965 predecessors solved the political authority problem. It is the central political challenge confronted by modern presidents, and now by Obama.

AFF not key – prez powers high now. **Goad 13**

Ben Goad, 3/28/2013, The Hill, "Obama finding ways to wield power without executive orders," <http://thehill.com/blogs/regwatch/administration/290697-obama-shying-away-from-executive-orders>

President Obama could wind up issuing fewer executive orders than any two-term president in a century, records show.¶ Obama has often exerted the power of his office in pursuit of his agenda, drawing charges from Republicans that he is acting like a “monarch” intent on destroying the Constitution’s balance of powers. ¶ But a review of the historical record shows Obama is on track to issue roughly the same number of executive orders as President George W. Bush, and fewer than President Clinton. ¶ Comparing Obama’s use of executive power to his predecessors is tricky, however, since presidents can wield their authority in a number of ways. His executive orders tell only part of the story, experts say.¶ “They’re not the only measure of presidential assertion of authority,” said Kenneth Mayer, a University of Wisconsin political science professor who has studied the presidency extensively. “He’s actually been pretty aggressive on a number of fronts.”¶ Instead of executive orders, Obama has enacted policy shifts through informal “executive actions” on issues like gun control, immigration and drone strikes overseas.¶ His 2011 decision to halt the deportations of hundreds of thousands of undocumented immigrants, for example, was communicated via a memo from Homeland Security Secretary Janet Napolitano. ¶ “Clearly, she was acting as an instrument of the president,” said Mayer, who penned a book on executive power entitled, “With the Stroke of a Pen.” ¶ That fact was not lost on Sen. Chuck Grassley (R-Iowa), who described the move as “an affront to the process of representative government.”¶ “He’s circumventing Congress with a directive he may not have the authority to execute,” Grassley said at the time. ¶ The administration argued that it had the power to enforce the new policy through prosecutorial discretion.¶ Obama is not the first president who has been accused of overstepping, especially when it comes to national security. Bush faced his own criticism after ordering warrantless wiretapping in the aftermath of the Sept. 11 attacks.¶ Historically, executive orders vary widely on scope and importance. Obama’s orders, for instance, have ranged from the mundane (his order to shut the federal government last Christmas Eve) to the substantive (his 2009 order to shut Guantanamo Bay).¶ As of Wednesday, Obama has issued 149 legally binding executive orders during his presidency, according to records kept by the National Archives and published in the Federal Register. The total includes 147 from his first term, and two this year. ¶ The actual number is far smaller than the figure of 923 that was widely circulated — and quickly debunked by an assortment of fact-checking websites — in the run-up to Obama’s reelection last November. ¶ By comparison, Bush had issued 173 executive orders through the end of his first term, according to The American Presidency Project, an undertaking by the University of California, Santa Barbara. Clinton had issued 200 executive orders through his first term.¶ Franklin D. Roosevelt issued by far the most executive orders — 3,522 — and the practice dates back to President George Washington, who issued eight of them. ¶ Obama has at times used the power of legally binding executive orders to enact measures that Congress would not. Such was the case last month, when he issued an order meant to bolster the country’s defenses against the increasing threat of cyberattacks. ¶ That executive order came in lieu of cybersecurity legislation, which failed to pass Congress last year. Business groups and some Republican senators — including John McCain (R-Ariz.), John Thune (R-S.D.) and Saxby Chambliss (R-Ga.) — panned Obama’s unilateral move, saying the order could not “achieve the balanced approach that must be accomplished collaboratively through legislation.” ¶ But many of Obama’s boldest executive moves have come without a formal executive order. ¶ Earlier this year, the president unveiled 23 separate executive “actions” meant to curb gun violence in the wake of the shooting spree that left 26 people dead at Sandy Hook Elementary in Connecticut. Three of them — including a measure ordering the Centers for Disease Control and Prevention (CDC) to study the causes of gun violence — were communicated via formal memoranda. ¶ The remaining 20 were directives that did not require the president’s signature at all, according to White House officials.¶ The gun measures, which are still in the process of being enacted, sparked outrage from some congressional Republicans, including Sen. Rand Paul (R-Ky.), who complained that Obama was acting “like a king or a monarch.”¶ The centerpiece of Obama’s executive power push has been the “We Can’t Wait” campaign he rolled out in the fall of 2011. The slogan was a direct shot at the gridlocked Congress. ¶ “We can’t wait for an increasingly dysfunctional Congress to do its job,” Obama said. “Where they won’t act, I will."¶ The campaign included dozens of actions meant to address an array of issues, ranging from steps to help borrowers refinance the terms of home loans and create a new manufacturing hub in Ohio, to contentious recess appointments. ¶ The measures — some controversial, some not — were accomplished through a combination of new regulations promulgated by agencies, executive orders and other directives. ¶ Reached Wednesday for comment, one White House official acknowledged the president uses a wide variety of tools available to him as he looks for the best ways to implement his agenda.¶ At times, that has meant wading into murky legal territory. The administration, for example, came under fire from lawmakers and groups across the political spectrum following last month’s release of a Justice Department white paper outlining specific circumstances under which the United States can conduct a drone strike against an American overseas.¶ The president has signaled his intention to move forward unilaterally on other issues, including steps to counter climate change.

#### SOP Impact

Presidential power destroys separation of powers. **Slonim 06**

Slonim 6

Slonim, July 24, 2006: [Nancy Cowger Slonim – American Bar Association spokewwoman. July 24, 2006, American Bar Association, “Blue-ribbon task force finds president Bush’s signing statements undermine separation of powers.” Embargoed for AM Editions. <http://www.abanet.org/media/releases/news072406.html> ]

Presidential signing statements that assert President Bush’s **authority to disregard or decline to enforce laws adopted by Congress undermine the rule of law and our constitutional system of separation of powers, according to a report released today by a blue-ribbon American Bar** Association task force. To address these concerns, the task force urges Congress to adopt legislation enabling its members to seek court review of signing statements that assert the President’s right to ignore or not enforce laws passed by Congress, and urges the President to veto bills he feels are not constitutional. The Task Force on Presidential Signing Statements and the Separation of Powers Doctrine was created by ABA President Michael S. Greco with the approval of the ABA Board of Governors in June, to examine the changing role of presidential signing statements after the Boston Globe on April 30 revealed an exclusive reliance on presidential signing statements, in lieu of vetoes, by the Bush Administration. In appointing the special task force Greco said, “The use of presidential signing statements raises serious issues relating to the constitutional doctrine of separation of powers. I have appointed the Task Force to take a balanced, scholarly look at the use and implications of signing statements, and to propose appropriate ABA policy consistent with our Association’s commitment to safeguarding the rule of law and the separation of powers in our system of government.” The task force report and recommendations will be presented to the ABA’s policy-making House of Delegates for adoption at its upcoming Annual Meeting Aug. 7-8. Until the ABA House has taken formal action, the report and recommendations represent only the views of the task force. **The bipartisan task force, composed of constitutional scholars, former presidential advisers, and legal and judicial experts, noted that President George W. Bush is not the first president to use signing statements, but said, “It was the number and nature of the current President’s signing statements which … compelled our recommendations.” The task force said its report and recommendations “are intended to underscore the importance of the doctrine of separation of powers.** They therefore represent a call to this President and to all his successors to fully respect the rule of law and our constitutional system of separation of powers and checks and balances.” The task force determined that signing statements that signal the president’s intent to disregard laws adopted by Congress undermine the separation of powers by depriving Congress of the opportunity to override a veto, and by shutting off policy debate between the two branches of government. According to the task force, they operate as a “line item veto,” which the U.S. Supreme Court has ruled unconstitutional. Noting that the Constitution is silent about presidential signing statements, the task force found that, while several recent presidents have used them, the frequency of signing statements that challenge laws has escalated substantially, and their purpose has changed dramatically, during the Bush Administration. The task force report states, “From the inception of the Republic until 2000, Presidents produced fewer than 600 signing statements taking issue with the bills they signed. According to the most recent update, in his one-and-a-half terms so far, President George Walker Bush ... has produced more than 800.” The report found that President Bush’s signing statements are “ritualistic, mechanical and generally carry no citation of authority or detailed explanation.” Even when “[a] frustrated Congress finally enacted a law requiring the Attorney General to submit to Congress a report of any instance in which that official or any officer of the Department of Justice established or pursued a policy of refraining from enforcing any provision of any federal statute, … this too was subjected to a ritual signing statement insisting on the President’s authority to withhold information whenever he deemed it necessary.” “**This report raises serious concerns crucial to the survival of our democracy,” said Greco. “If left unchecked, the president’s practice does grave harm to the separation of powers doctrine, and the system of checks and balances, that have sustained our democracy for more than two centuries. Immediate action is required to address this threat to the Constitution and to the rule of law in our country.”** Greco said that the task force’s report “constructively offers procedures that consider the prerogatives both of the president and of the Congress, while protecting the public’s right to know what legislation is adopted by Congress and if and how the president intends to enforce it. This transparency is essential if the American people are to have confidence that the rule of law is being respected by both citizens and government leaders.” The bipartisan and independent task force is chaired by Miami lawyer Neal Sonnett, a former Assistant U.S. Attorney and Chief of the Criminal Division for the Southern District of Florida. He is past chair of the ABA Criminal Justice Section, chair of the ABA Task Force on Domestic Surveillance and the ABA Task Force on Treatment of Enemy Combatants; and president-elect of the American Judicature Society. "Abuse **of presidential signing statements poses a threat to the rule of law," said Sonnett.” Whenever actions threaten to weaken our system of checks and balances and the separation of powers, the American Bar Association has a profound responsibility to speak out forcefully to protect those lynchpins of democracy."**

Extinction. **Adler 96**

Adler 96 (David, professor of political science at Idaho State, The Constitution and Conduct of American Foreign Policy, p. 23-25)

The structure of shared powers in foreign relations serves to deter the abuse of power, misguided policies, irrational action, and unaccountable behavior. As a fundamental structural matter, the emphasis on joint policymaking permits the airing of sundry political, social, and economic values and concerns. In any event, the structure wisely ensures that the ultimate policies will not reflect merely the private preferences or the short-term political interests of the president. Of course this arrangement has come under fire in the postwar period on a number of policy grounds. Some critics have argued, for example, that fundamental political and technological changes in the character of international relations and the position of the United States in the world have rendered obsolete an eighteenth-century document designed for a peripheral, small state in the European system of diplomatic relations. Moreover, it has been asserted that quick action and a single, authoritative voice are necessary to deal with an increasingly complex, interdependent, and technologically linked world capable of massive destruction in a very short period of time. Extollers of presidential dominance have also contended that only the president has the qualitative information, the expertise, and the capacity to act with the necessary dispatch to conduct U.S. foreign policy. These policy arguments have been reviewed, and discredited, elsewhere; space limitations here permit only a brief commentary. Above all else, the implications of U.S. power and action in the twentieth century have brought about an even greater need for institutional accountability and collective judgment that existed 200 years ago. The devastating, incomprehensible destruction of nuclear war and the possible extermination of the human race demonstrate the need for joint participation, as opposed to the opinion of one person, in the decision to initiate war. Moreover, most of the disputes at stake between the executive and legislative branches in foreign affairs, including the issues discussed in this chapter, have virtually nothing to do with the need for rapid response to crisis. Rather, they are concerned only with routine policy formulation and execution, a classic example of the authority exercised under the separation of powers doctrine. But these functions have been fused by the executive branch and have become increasingly unilateral, secretive, insulated from public debate, and hence unaccountable. In the wake of Vietnam, Watergate, and the Iran-Contra scandal, unilateral executive behavior has become even more difficult to defend. Scholarly appraisals have exploded arguments about intrinsic executive expertise and wisdom on foreign affairs and the alleged superiority of information available to the president. Moreover, the inattentiveness of presidents to important details and the effects of “group-think” that have dramatized and exacerbated the relative inexperience of various presidents in international relations have also devalued the extollers arguments. Finally, foreign policies, like domestic policies, are a reflection of values. Against the strength of democratic principles, recent occupants of the White House have failed to demonstrate the superiority of their values in comparison to those of the American people and their representatives in Congress

### A2 XO CP

Pres can’t ban handguns – exo can only direct fed agencies to modify existing statues – no statue that comes close to banning guns nationally

Pres can’t remove funding from states to enforce it – only congress has jurisdiction over funding

1. Perm do both – shields the link to politics/elections

2. Perm do the CP – the aff plan didn’t specify beyond USFG – executive branch is one branch so I defend the plan passes through executive order

*Also justified because agent CPs are a voting issue --- moots the 1ac which destroys aff ground – causes stale process debates and distracts from topic education – which is an independent reason to reject their advocacy*

3. No solvency – executive orders for gun bans would get overturned by SCOTUS and also links to politics – also destroys separation of powers. **Coffina 13**

Scott Coffina, "Gun Control by Executive Order?," National Review Online, January 16, 2013. CC

It is unlikely that the president would move to confiscate or prohibit handguns through executive action, or even through legislation, for that matter. The Second Amendment is alive and well. The U.S. Supreme Court has reaffirmed the right of individuals to possess firearms for self-defense and other traditionally lawful purposes twice in the past five years. And to be clear, President Obama has never suggested he would pursue this course of action. On the other end of the spectrum, pursuant to his constitutional mandate to “take Care that the Laws be faithfully executed,” the president clearly has the authority to direct the Department of Justice to prioritize more comprehensive enforcement of the gun laws already on the books or to enhance tracking of the paperwork related to the sale and registration of guns. Presidents George H. W. Bush and Bill Clinton actually implemented gun-control measures by executive orders pursuant to this authority, banning the importation of certain assault weapons under existing gun-control laws. The key question is how much President Obama might try to accomplish by executive action in the gray areas. It is possible that he can make background checks for gun buyers mandated by the Brady Bill more effective and efficient and also facilitate better sharing of mental-health information (if he is willing to take on the ACLU in doing so) by executive action. However, if he goes further and attempts to ban assault weapons or high-capacity ammunition magazines unilaterally, he will be on shaky legal ground. Although the Heller Court stated that the right to possess a firearm does not include the right to possess any kind of weapon for any purpose, it is unclear whether a blanket ban on assault weapons and high-capacity magazines (even if duly passed by Congress) would survive a Second Amendment challenge (it may depend, in part, on how such weapons were defined). Moreover, an executive order banning assault weapons falls within the legislative authority of Congress, and thus implicates the separation-of-powers doctrine. Indeed, Congress has acted in this area, passing a ban on assault weapons and high-capacity magazines in 1994, and — equally significant — also has chosen not to act since the ban expired in 2004. Should the president attempt to supersede Congress’s clear legislative prerogative in this area by executive order, one would expect the courts, under the rationale of Youngstown Sheet & Tube, to strike his measure down. As important, if the president decides to bypass the legislative process and act unilaterally to limit guns, he will be courting a political disaster. The NRA is not some fringe group of irrational gun nuts seeking to take advantage of the Sandy Hook tragedy to drum up members and donations, as the mainstream media and even the president have implied. Rather, it represents the serious concerns of millions of law-abiding Americans, from both parties, who value their Second Amendment right to gun ownership for self-defense, sport, and protection against disorder or government tyranny, as the Framers originally intended. The president once derisively talked about “bitter” small-town residents’ “cling[ing] to guns or religion.” Well, nothing would make people cling harder to their guns than an effort to ban them by executive fiat. And the courts, most likely, would support them. The Washington Post recently released a poll showing that a small majority of Americans are more likely to support gun-control measures in the wake of Newtown. If the president taps into that underlying support and is able to approach the matter with a spirit of compromise — and as part of a larger package that must also include serious proposals to better identify and compassionately treat mentally ill individuals who might be prone to violence, and efforts to have the entertainment industry tone down the indiscriminate killing without consequence in video games, television, and movies — perhaps Washington will surprise us and some reasonable gun-control measure could pass. (Whether it would be effective or not is a different question.) Thus, the president should not throw up his hands and conclude that a legislative effort is too difficult to pursue. The political process really is the only way — banning guns by executive order would be unnecessarily provocative and legally unsustainable, and it may not even prevent the next Newtown, which, after all, is supposed to be the goal.

4. No solvency – next president would rollback XO immediately and empirically proves XO destroys pol cap. **Bradner 1-3**

Eric Bradner, "Republicans vow to undo Obama's gun actions," CNN, January 3, 2016. CC

Republican presidential contenders are threatening to undo any executive actions that President Barack Obama takes on gun control if they replace him in the Oval Office. As the White House readies an executive push expected to close the so-called gun show loophole on background checks for firearms purchases, GOP 2016 candidates said this weekend that they're opposed to Obama's push, arguing he shouldn't circumvent Congress. Donald Trump vowed Saturday in Mississippi to "unsign" anything Obama implements. "There's an assault on the Second Amendment. You know Obama's going to do an executive order and really knock the hell out of it," Trump said. "You know, the system's supposed to be you get the Democrats, you get the Republicans, and you make deals. He can't do that. He can't do that," he said. "So he's going to sign another executive order having to do with the Second Amendment, having to do with guns. I will veto. I will unsign that so fast." But he's not the only Republican 2016 candidate making such threats. "All these executive orders he's gonna come out with tomorrow that are going to undermine our Second Amendment rights -- on my first day in office, they're gone," Florida Sen. Marco Rubio said at a campaign stop in New Hampshire on Sunday morning. New Jersey Gov. Chris Christie said on "Fox News Sunday" that Obama "wants to act as if he is a king, as if he is a dictator." "Fact is, if he wants to make changes to these laws, go to Congress and convince the Congress that they're necessary. But this is going to be another illegal executive action, which I'm sure will be rejected by the courts and when I become President will be stricken from executive action by executive action I'll take." And former Florida Gov. Jeb Bush said on "Fox News Sunday" that Obama should take his case to Congress -- rather than imposing new measures himself. "His first impulse always is to take rights away from law-abiding citizens, and it's wrong. And to use executive powers he doesn't have is a pattern that is quite dangerous," Bush said. Carly Fiorina told CNN's Dana Bash on "State of the Union" that Obama "has been lawless in his use of executive orders. "It is delusional, dangerous, not to mention unconstitutional, for Barack Obama and Hillary Clinton to continue talking about climate change and gun control in the wake of a Paris terrorist attack, in the wake of a San Bernardino terrorist attack, instead of how we can defeat ISIS," Fiorina said. Still, Democrats have rallied to Obama's side. Vermont Sen. Bernie Sanders said on "State of the Union" that Obama has little choice but to act alone to strengthen background checks to keep guns out of the hands of criminals and the mentally ill. "I would prefer that we could have bipartisan support, but the truth is Republicans aren't interested in doing anything on gun safety," Sanders said. Democratic front-runner Hillary Clinton said Sunday she's "especially concerned (about 2016) because I know what a Republican president would mean." She argued a GOP president would repeal executive actions on Day 1, "including one that we expect (Obama) to make in the next weeks to try to do more to have background checks for more gun buyers by requiring more sellers to do them."

5. CP links to politics comparatively more

Billy Hallowell 13, writer for The Blaze, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS” Feb. 11, 2013, <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>

“In an era of polarized parties and a fragmented Congress, the opportunities to legislate are few and far between,” Howell said. “So presidents have powerful incentive to go it alone. And they do.”¶ **And the political opposition howls**.¶ Sen. Marco Rubio, R-Fla., a possible contender for the Republican presidential nomination in 2016, said that on the gun-control front in particular, Obama is “abusing his power by imposing his policies via executive fiat instead of allowing them to be debated in Congress.”¶ The Republican reaction is to be expected, said John Woolley, co-director of the American Presidency Project at the University of California in Santa Barbara.¶ “For years **there has been a growing concern about unchecked executive power**,” Woolley said. “It tends to have a partisan content, with contemporary complaints coming from the incumbent president’s opponents.”

6. Separation of power solves unaccountable decisions to go to war – causes extinction. Adler 96

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# Frontlines – DA

## Case Extensions

### 1AR FW vs. Turns

Their turns about an increase in IPH don’t answer the THESIS of our case -

The role of the ballot isn’t util impacts like gun death but deconstructing power relations –in the squo the abuse that happens in non-traditional relationships is made invisible– only the plan shifts away from that which outweighs since we can’t combat individual acts of violence without a fundamental VALUE REORIENTATION

Conceded Mills – standpoint epistemology means if people aren’t recognized ethics is impossible so it’s try or keep on dying – we’re not in a position to say it can get worse for those groups

Finley outweighs – recognition within the law spills over to other policies which results in long-term inclusion that’s key to solve other forms of violence

### 1AR vs. DA

1. Conceded role of the ballot – it’s about positive strategies to challenge ideologies –the plan won’t really happen – it’s about how you *orient* yourself towards the topic – buying into what the NRA wants doesn’t actively challenge violence

2. Tickner – their DA is masculine theories of knowledge that try to reduce everything to rational “objective” factors that are politically motivated –the DA is false since their systems of knowledge production don’t work – we’ve been reading politics for 20 years and none have come true

3. Cohn – their DA has so many extraneous risks and complex factors that the probability of their link chain goes to zero – debaters also have cognitive biases for high impact scenarios since debate privileges as an excuse to skirt discussion of gender violence

4. Scepher-Hughes – sexual violence spills up to cause war since it makes us indifferent to acts of violence – there’s a risk we cause extinction too so case outweighs

5. Enloe – they trivialize violence against women by saying it’s not worth the political capital – doesn’t let us challenge violence now

6. Mills – extinction focus is ideal theory – saying we need to maximize lives assumes lives are equally valuable in the squo but people who are in cycles of abuse aren’t even considered in our ethical calculus so recognizing lives as valuable is a pre-requisite

7. 1% risk framing is bad – it’s the Cheney doctrine that justifies intervening in Iraq and stops every progressive agenda like ending slavery since there’s always a risk of backlash

### 2AR – Role of the Ballot

THEY’VE CONCEDED THE ROLE OF THE BALLOT from the first speech – you should endorse a POSITIVE STRATEGY that challenges dominant ideas of gender violence – it’s not about the impacts of the plan but our orientation and method of engaging

*Students and educators should fight modes of dominant thinking – you’re not the government and I’m not the president and the plan isn’t going to happen and no one cares who wins the TOC – it’s not about consequences but ways to address marginalization of disadvantaged groups*

It’s about how you *orient* yourself towards the topic – their DA DOESN’T CHALLENGE DOMINANT IDEAS – it says “politicians hate the AFF so don’t do it” which is equivalent to sitting on our hands and doing nothing – it LITERALLY CEDES AUTHORITY TO POLITICAL ELITES – **Nicholson** is so good – specific lines from the card say “feminists must have a vision of a better future that can motivate people” – they provide ZERO VISION FOR THE FUTURE which means they can’t access the ballot on a fundamental level

### 2AR – Tickner

They’ve conceded Tickner – their entire DA is a LINK TO OUR AFF

Our understanding of gendered knowledge production disproves the epistemology of the disad – their understanding of politics and IR as ordered systems of rational actors responding to costs and benefits in ways we can predict and manipulate is symptomatic of MASCULINE understandings of politics – reason and power are masculine concepts that we’ve constructed in ways to produce unreliable knowledge and politically motivated predictions

They believe they can control and predict the world according to rationality – they assume they can understand how states act, how politicians make decisions – they assert a multitude of casual factors and claim to understand how each of them triggers the next link in the chain

Our card is so good – “objectivity depends on positionality that contradicts the depiction of science as a foolproof procedure that relies on observation” – their disad is NOT OBJECTIVE but POLITICALLY MOTIVATED for CERTAIN AGENDAS like the NRA who constantly construct threats to keep control of guns – it proves their epistemology is wrong and you shouldn’t evaluate the DA

### 2AR – Cohn

They’ve conceded Cohn – their threats are WRONG and CONSTRUCTED to skirt the discussion of gender violence

Debaters constantly make up ridiculous impact scenarios with obscene internal links – so much complexity in the world means making predictions with even minimal certainty is impossible – it’s not our burden to even prove that each element is false since the combination of so much uncertainty means you can round down the collective probability of the disad to ZERO

Our argument presents a fundamentally different way of evaluating the arguments on the flow – you should not assume the disad is a neutral construct with a high risk of a link – you should recognize the fundamental mistaken assumptions embedded within their link chain as a reason their terminal impacts are ludicrous which is SUFFICIENT FOR THE CASE TO OUTWEIGH

### 2AR – Enloe

Enloe is a major impact – they trivialize IPV and violence against women – this card is so specific to their DA “making any incident of violence against women appear trivial –– NOT WORTH THE EXPENDITURE OF POLITICAL CAPITAL” – they say we can’t act to solve violence because there are other more pressing concerns which means we CAN’T CHALLENGE REAL VIOLENCE NOW – not acting is an excuse to NEVER ACT

### 2AR – Mills

They’ve conceded Mills – we need STANDPOINT EPSITOMOLOGY that recognizes current exclusions and acts to combat it rather than vaguely assuming everyone is equal – extinction focus assumes that all lives are valuable which ignores the way cycles of abuse are excluded from our decision-calculus in the first place so we DON’T EVEN COUNT CERTAIN LIVES

## Add-Ons

### K of War

Sexual violence is genocidal and happens on a continuum – focus on systemic impacts is key since patriarchal war games make violence inevitable. **Sheperd 09**

Impx - genocidal violence happens to women on a continuum not isolated events = war

RC - war/peace distinction ignores massive violence and reproduces inevitability of war thru patriarchal framing

[Laura J. Dept of Political Science and International Studies, U of Birmingham (UK), “Gender, Violence and Global Politics: Contemporary Debates in Feminist Security Studies,” Political Studies Review, V7 I2, Apr]

According to conventional accounts of international relations (IR), scholars focus on war (predominantly as a means to providing the sovereign state with security) and the existence of war's corollary is a foundational assumption that goes largely unquestioned. Peace must exist, for international relations are not characterised by perpetual conflict. However, peace is implicitly defined, in dichotomous terms, by the absence of violent conflict, as 'not-war'. Of more analytical interest is conflict, which is always a possibility and which, moreover, occurs between states. International relations as a discipline, narrowly conceived, is largely unconcerned with activities that occur within the state. Minimally, feminist and other critical approaches to IR seek to correct such disciplinary myopia. While classical realism theorises the political actor –Hans Morgenthau's 'political man' (1973, pp. 15–6) – in order to construct the state as actor, the now dominant neo-realism abstracts the human subject from its disciplinary musings, leading to the infamous 'black box' model of the state. Early feminist scholarship challenged this assumption as well, arguing that individuals, as human subjects in all their messy complexity, are an integral part of international relations (see Shepherd, 2007, pp. 240–1). Attention to the human subject in I/international R/relations – or, as Christine Sylvester phrases it, 'relations international', to emphasise the embedded nature of all kinds of relations in the international sphere, including power relations and gender relations (Sylvester, 1994, p. 6; see also Enloe, 1996) – allows critical scholars to look beyond the disciplinary obsession with war. Further, it allows us to investigate one of the simplest insights of feminist IR, which is also one of the most devastating: the war/peace dichotomy is gendered, misleading and potentially pathological. In this essay, I address each of these concerns in turn, developing a critique of the war/peace dichotomy that is foundational to conventional approaches to IR through a review of three recent publications in the field of feminist security studies. These texts are Cynthia Enloe's (2007) Globalization and Militarism, David Roberts' (2008) Human Insecurity, and Mothers, Monsters, Whores: Women's Violence in Global Politics by Laura Sjoberg and Caron Gentry (2008). Drawing on the insights of these books, I ask first how violence is understood in global politics, with specific reference to the gendered disciplinary blindnesses that frequently characterise mainstream approaches. Second, I demonstrate how a focus on war and peace can neglect to take into account the politics of everyday violence: the violences of the in-between times that international politics recognises neither as 'war' nor 'peace' and the violences inherent to times of peace that are overlooked in the study of war. Finally, I argue that feminist security studies offers an important corrective to the foundational assumptions of IR, which themselves can perpetuate the very instances of violence that they seek to redress. If we accept the core insights of feminist security studies – the centrality of the human subject, the importance of particular configurations of masculinity and femininity, and the gendered conceptual framework that underpins the discipline of IR – we are encouraged to envisage a rather different politics of the global. From Boudica to Bhopal As Sjoberg and Gentry recount (2008, pp. 38–9), Boudica was an Iceni queen who led an uprising against the Roman forces occupying the British Isles circa 61 AD. Prior to launching the attack, Boudica's refusal to allow a Roman general to claim ownership of her land resulted in the rape of her two daughters as punishment. However, 'many inherited tales about Boudica do not emphasise her personal or political motivations, but the savage and unwomanly brutality of her actions' (Sjoberg and Gentry, 2008, p. 39). Almost two thousand years later and half a planet away, a toxic gas leak in 1984 at a Union Carbide plant in Bhopal, India caused the immediate deaths of approximately 3,000 people and left tens of thousands suffering the after-effects for decades (Roberts, 2008, p. 10). At first reading, little links these two accounts of quite different forms of violence. The first is an instance of violent resistance against imperial oppression, and Boudica has been vilified, her efforts delegitimised, in much the same way as many actors in 'small wars' tend to be in global politics today (see Barkawi, 2004). The second is perhaps more usefully seen as the result of structural violence, following Johan Galtung's explanation of the same, as 'violence where there is no such actor' (cited in Roberts, 2008, p. 18). However, by asking questions about Boudica and Bhopal that are born of a 'feminist curiosity' (Enloe, 2007, p. 1, p. 11), these texts demonstrate connections beyond the simplistic equation that is applicable to both: actor/structure plus violence equals death. In Human Insecurity, Roberts poses the question, 'What is violence?' (2008, p. 17). This is a question rarely asked in international relations. Violence is war: large-scale, state-dominated, much studied, war. However, the three texts under review here all offer more nuanced theories of violence that focus analytical attention on complex constructions of agency (institutional and international), structure, and the global context that is product and productive of such violence. Through an intricate and beautifully accessible analysis of modernity –'that pot of gold at the end of the global rainbow' (Enloe, 2007, p. 64) – Enloe encourages her readers to seek the connections between globalisation and militarisation, arguing that at the heart of this nexus lie important questions about violence and security. Roberts notes a broad dissatisfaction with the concept of 'human security' (2008, pp. 14–7), offering instead his investigative lens of 'human insecurity', defined as 'avoidable civilian deaths, occurring globally, caused by social, political and economic institutions and structures, built and operated by humans and which could feasibly be changed' (p. 28). Placing the human at the centre of concerns about security immediately challenges a conventional state-based approach to security, as Enloe explains. In a convincing account of the hard-fought expansion of the concept of security, mapped on to strategic and organisational gains made by various feminist organisations, Enloe reminds us that if we take seriously the lives of women – their understandings of security – as well as on-the-ground workings of masculinity and femininity, we will be able to produce more meaningful and more reliable analyses of 'security'– personal, national and global (Enloe, 2007, p. 47). This latter quote typifies an approach for which Enloe has become somewhat famous. In the early 1980s, Enloe began asking the questions for which she is rightly acknowledged as a key figure in feminist security studies, including Does Khaki Become You? (Enloe, 1983) and 'where are the women?' (Enloe, 2000; see also Enloe, 2004). Inspired by her own curiosity about the roles played by women and the functions performed by gender in the militarisation of civilian life, Enloe has explored prostitution, marriage, welfare and war making with an eye to the representation (both political and symbolic) of women. In Globalization and Militarism she offers detailed vignettes that illuminate just how interwoven violence is with the quest for (various types of) security, and demands that nothing is left unquestioned in a critical analysis of these concepts. Even baby socks (embossed with tiny fighter planes, a gift to the parent of a small boy) have something to tell us about gender, militarism and the casual representations of violence and war that society accepts (Enloe, 2007, pp. 143–4). Following a similar logic, although he initially defines human insecurity as avoidable civilian deaths, Roberts focuses on 'preventable female deaths ... and avoidable deaths in children under five' (2008, p. 31). While this conflation of 'civilian' with 'women and children' is rather problematic (see Carpenter, 2006), in asking not only, where are the women? but also, why are they dying in such disproportionate numbers? Roberts enhances his critique of 'most security studies ... [that] largely [miss] the scale of avoidable human misery and avoidable human death' (2008, p. 4). As mentioned above, Roberts uses Galtung's concept of structural violence to draw attention to the manifest ways in which an increasingly interconnected global system relies on gender and violence (and gendered violence) for its perpetuation: 'The process of globalization, to which few are ideologically or otherwise opposed, is an essential conveyor and articulator of the masculinity that underpins andrarchy' (Roberts, 2008, p. 157). Whereas Enloe offers a persuasive and accessible account of patriarchy, a concept familiar to feminist and non-feminist scholars alike (Enloe, 2007, pp. 66–8), Roberts suggests 'andrarchy' as an alternative, which he defines as 'the gender-partisan ideological domination and rule structure that determines and sustains the general relative power of males over females globally' (Roberts, 2008, p. 140). However, it is difficult to see how this reformulation either differs substantively from patriarchy as an analytical tool or assists in the construction of an alternative theory of global violence that centralises the individual, and therefore takes gender seriously, in that it seems to essentialise violent actors (males) and violated victims (females). In contrast, Enloe's explanation of patriarchy challenges such essentialism as its first point of critical intervention. That is, the assumption of essential differences between men and women is part of patriarchal ideology, feeding into stereotypical notions of how such men and women should behave, which in turn constitute recognisable discourses of gender: sets of narratives about masculinity and femininity and how these are, in general, respectively privileged and marginalised. The most theoretically coherent account of gender and violence offered in these three texts comes from Sjoberg and Gentry and employs the notion of discourse to great effect. Whereas Roberts seeks to map out a consciously structural account of global violence, where the structure in question is a hybrid of andrarchy and a 'rapacious, increasingly competitive and hyper-masculine' neoliberalism (Roberts, 2008, p. 118), Sjoberg and Gentry offer a more sophisticated analysis of structure and agency in their 'relational autonomy framework' that accounts for both individual agency and structural constraint (Sjoberg and Gentry, 2008, pp. 189–98). When people perform acts of political violence, they argue, this is a conscious choice, but crucially individuals 'choose within a specified spectrum of socially acceptable choices' (p. 190). 'In its simplest form, relational autonomy is the recognition that freedom of action is defined and limited by social relationships' (p. 194) and this has profound implications for the study of violence in global politics. Sjoberg and Gentry use this insight to demonstrate that women's violence in global politics is rendered unintelligible, through narrative representations of the perpetrators as mothers, monsters or whores (in media discourse and academic discussion), rather than as autonomous agents. From the abuses of prisoners held at Abu Ghraib prison in Iraq, via the 'black widows' of Chechnya, to female perpetrators of genocidal violence in Rwanda, the authors show how representations of women's violence conform to and further confirm the stereotypes of violent women as either mothers (supporting or vengeful), monsters or sexually deviant whores (Sjoberg and Gentry, 2008, pp. 30–49). The very different theories of violence outlined in these three texts all contribute to the development of a more comprehensive and holistic understanding of violence in global politics. By insisting that international relations are also gender relations – by demanding that we recognise that states are an analytical abstraction and politics is practised or performed by gendered bodies – all of the authors put forward theories of violence that are corrective of gender blindness, in that the violences in question are simultaneously gendered and gendering (see Shepherd, 2008, pp. 49–54). They are gendered because they have different impacts on male and female bodies (Enloe, 2007, p. 13), both materially as people experience violence differently depending on their gender (and race, class, sexuality and so on) and also discursively, as what we expect of men and women in terms of their behaviours, violent and otherwise, is limited by the meaning(s) ascribed to male and female bodies by society. Regarding the former, Roberts proposes that we term the global victimisation of women 'structural femicide' (Roberts, 2008, p. 65), but does not sufficiently engage with the question of whether defining gendered violence as violence against women (and children) functions to constitute the subject of 'woman' as a perpetual victim, in need of protection and lacking in agency (Shepherd, 2008, p. 41). In contrast, Sjoberg and Gentry neatly articulate the interplay between material and discursive violence as they write a theory that accounts 'for people's impact on global politics and for the impact of narratives others construct for and about them' (Sjoberg and Gentry, 2008, p. 216, emphasis in original). Thus, violence is gendering as our understanding of politics is in part reproduced through violent actions. Through discursive violence against individuals – for example, representing Chechen women suicide terrorists as 'black widows', which demands that they are attributed the characteristics of the venomous and deadly black widow spider and, further, that their violence is grounded in familial loss, 'born directly of a desire for vengeance for the deaths of their husbands and sons' (Sjoberg and Gentry, 2008, p. 100) rather than as the result of a process of political decision making – our understanding of that individual and of the act of violence itself is produced. Similarly, through material acts of violence, discourses of gender are given physical form; the detainees at Abu Ghraib who were forced to simulate oral sex with each other were forced to do so in part because of crude cultural understandings of homosexuality as deviant and homosexuals as lesser men – that is, as women. To force a man to perform oral sex on another man is to undermine his masculinity and simultaneously to reinforce the gendered power relations that claim privilege for masculinity over femininity, heterosexuality over homosexuality – power relations that render such an act intelligible in the first instance. Such understandings of violence are beyond the remit of conventional state-based approaches to international relations. However, 'it is by tracking the gendered assumptions about how to wield feminization to humiliate male[s]' (Enloe, 2007, p. 115) and how to represent gendered individuals in such a way as to render some acts of violence intelligible as political and others as monstrous that we can begin to piece together a useful feminist account of global violence, which is a necessary component of understanding security. Everyday Violence and In-Between Days In addition to questioning what violence is, how it is represented and with what effects, feminist security studies scholarship also asks which violences are considered worthy of study and when these violences occur. Expanding the concept of violence that underpins feminist analysis, as outlined above, allows us to take seriously what Arthur Kleinman (2000) refers to as 'the violences of everyday life'. Beyond a narrow focus on war and state-based violence lies a plethora of everyday violences that feminist security studies seeks to address. In the field of security studies the broadening and deepening of the concept of security, such that it is no longer assumed to apply only to the sovereign state, has demonstrated the multiple insecurities experienced by individuals and social collectives (Booth, 2005, pp. 14–5). The development of the concept of 'human security' largely took place within the parameters of a wider disciplinary debate over the appropriate referent object for security studies (the individual, society, the state) and the types of threat to the referent object that would be recognised. In a move similar to Ken Booth's (1991) reformulation of security as emancipation, Roberts' quest for individual empowerment seeks to overcome the 'élite-legitimized disequilibrium' that results in the manifest insecurity of the majority of the world's population (Roberts, 2008, p. 185). As might be expected, the violences Roberts identifies are innumerable. In addition to the physical violences of 'infanticide, maternal mortality, intimate ("domestic", "honour" and "dowry") killings and lethal female genital mutilation; and avoidable deaths in children under five' (Roberts, 2008, p. 31), his analysis attacks the institutional structures of the dominant international financial institutions (pp. 117–35) and the andrarchal and neoliberal discourses that sustain them (pp. 136–58). In short, Roberts' answer to the question of which violences matter in global politics is quite simple: all of them. However, while studies of human security, he argues, seek to provide the human with security, his reformulated analytic takes as its starting point human insecurity; that is, he starts with the threat(s) to the sovereign subject rather than the subject's ontological condition. Roberts suggests that this circumvents the disciplinary definitional problem with human security – identified by Roland Paris (2001), Edward Newman (2001; 2004) and others – but I cannot see how this is the case, given that the answer to the question 'what is it that humans do to make the world a more dangerous and dysfunctional place?' (Roberts, 2008, p. 28) is also quite simple: we live in it. Thus Roberts' analytic seems to suffer the same lack of definitional clarity – and therefore policy relevance – that he ascribes to more conventional approaches; it is no easier to identify, quantify and ultimately reduce the threats experienced by coexisting human subjects than it is to provide those human subjects with security, if security can first be defined as freedom from fear or want. I do not espouse some construction of human nature (if such a thing were to exist) that assumes essential selfishness and a propensity for violence, nor do I assume that security is a zero-sum game, in that one person's security must always be at the expense of another's, but I recognise that even the most well-intentioned security policy can have unforeseen and sometimes disastrous effects. Sometimes, moreover, as Sjoberg and Gentry demonstrate, the decision to perform acts of political violence that are a source of insecurity for the intended victims can be understood if not condoned. Enloe's analytical remit is similarly wide-ranging to Roberts', in that she focuses on processes – globalisation and militarism – that are inherently violent. However, although Enloe also insists that all violences should count in the study of global politics, she grounds this claim in an analysis of specific sites of violence and demonstrates with startling clarity just how everyday items – for example, sneakers – are both globalised and militarised: Threaded through virtually every sneaker you own is some relationship to masculinized militaries. Locating factories in South Korea [in the 1960s and 1970s] was a good strategic decision in the eyes of those Oregon-headquartered male Nike executives because of the close alliance between male policymakers in Washington and Seoul. It was a relationship – unequal but intimate – based on their shared anticommunism, their shared commitment to waging the Cold War, and their shared participation in an ambitious international military alliance (Enloe, 2007, p. 28). By drawing her readers' attention to the ways in which discourses of gender (ideas about how 'proper' men and women should behave) function, Enloe reminds us that adhering to ideals of masculinity and femininity is both productive of violence and is a violence in itself, a violence against the empowered human subject. 'Ideas matter', she concludes, ideas about modernity, security, violence, threat, trust. 'Each of these ideas is fraught with blatant and subtle presumptions about masculinity and femininity. Ideas about both masculinity and femininity matter. This makes a feminist curiosity a necessity' (Enloe, 2007, p. 161). While conventional studies of IR and security may be willing to concede that ideas matter (see Finnemore and Sikkink, 2001), paying close attention to the work that gender does allows for a fuller understanding of why it is that particular violences fall outside the traditional parameters of study. As to the question of when violence is worthy of study, all three texts implicitly or explicitly draw on the popular feminist phrase: 'the personal is political'. This slogan neatly encapsulates the feminist critique of a supposed foundational divide between the private and the public realms of social life. In arguing that the personal is political, feminist theory refuses to accept that there are instances of human behaviour or situations in social life that can or should be bracketed from study. At its simplest, this critique led to the recognition of 'domestic violence' as a political, rather than a personal issue (see, for example Moore, 2003; Youngs, 2003), forming the foundation for critical studies of gendered violence in times of war and in times of peace that would otherwise have been ignored. Crucially, Enloe extended the boundaries of critique to include the international, imbuing the phrase with new analytical vitality when she suggested, first, that the phrase itself is palindromic (that is, that the political is also personal, inextricably intertwined with the everyday) and, second, that the personal is international just as the international is personal. 'The international is personal' implies that governments depend upon certain kinds of allegedly private relationships in order to conduct their foreign affairs. ... To operate in the international arena, governments seek other governments' recognition of their sovereignty; but they also depend on ideas about masculinised dignity and feminised sacrifice to sustain that sense of autonomous nationhood (Enloe, 2000, pp. 196–7). These ideas about dignity and sacrifice are not neatly contained within the temporal boundaries of any given war, nor are they incidental to the practice of warfare. Further, there is of course also the question of who gets to define or declare war, or peace. While some of the violent women whose actions are analysed by Sjoberg and Gentry perform their violences in wartime (for example, Lynndie England, who received the most attention from global media of the women involved in prisoner abuse at Abu Ghraib; see Sjoberg and Gentry, 2008, pp. 67–70), others are fighting wars that are not sanctioned by the international community (such as the Chechen women [pp. 97–111] and female Palestinian suicide bombers [pp. 112–40]). As discussed above, ideas about masculinity and femininity, dignity and sacrifice may not only be violent in themselves, but are also the product/productive of physical violences. With this in mind, the feminist argument that 'peacetime' is analytically misleading is a valid one. Of interest are the 'in-between days' and the ways in which labelling periods of war or peace as such can divert attention away from the myriad violences that inform and reinforce social behaviour. [W]ar can surely never be said to start and end at a clearly defined moment. Rather, it seems part of a continuum of conflict, expressed now in armed force, now in economic sanctions or political pressure. A time of supposed peace may come later to be called 'the pre-war period'. During the fighting of a war, unseen by the foot soldiers under fire, peace processes are often already at work. A time of postwar reconstruction, later, may be re-designated as an inter bellum– a mere pause between wars (Cockburn and Zarkov, cited in El Jack, 2003, p. 9). Feminist security studies interrogates the pauses between wars, and the political processes – and practices of power – that demarcate times as such. In doing so, not only is the remit of recognisable violence (violence worthy of study) expanded, but so too are the parameters of what counts as IR. Everyday violences and acts of everyday resistance ('a fashion show, a tour, a small display of children's books' in Enloe, 2007, pp. 117–20) are the stuff of relations international and, thus, of a comprehensive understanding of security. In the following section I outline the ways in which taking these claims seriously allows us to engage critically with the representations of international relations that inform our research, with potentially profound implications. The Violent Reproduction of the International As well as conceiving of gender as a set of discourses, and violence as a means of reproducing and reinforcing the relevant discursive limits, it is possible to see security as a set of discourses, as I have argued more fully elsewhere (Shepherd, 2007; 2008; see also Shepherd and Weldes, 2007). Rather than pursuing the study of security as if it were something that can be achieved either in absolute, partial or relative terms, engaging with security as discourse enables the analysis of how these discourses function to reproduce, through various strategies, the domain of the international with which IR is self-consciously concerned. Just as violences that are gendering reproduce gendered subjects, on this view states, acting as authoritative entities, perform violences, but violences, in the name of security, also perform states. These processes occur simultaneously, and across the whole spectrum of social life: an instance of rape in war is at once gendering of the individuals involved and of the social collectivities – states, communities, regions – they feel they represent (see Bracewell, 2000); building a fence in the name of security that separates people from their land and extended families performs particular kinds of violence (at checkpoints, during patrols) and performs particular subject identities (of the state authority, of the individuals affected), all of which are gendered. All of the texts under discussion in this essay argue that it is imperative to explore and expose gendered power relations and, further, that doing so not only enables a rigorous critique of realism in IR but also reminds us as scholars of the need for such a critique. The critiques of IR offered by feminist scholars are grounded in a rejection of neo-realism/realism as a dominant intellectual framework for academics in the discipline and policy makers alike. As Enloe reminds us, 'the government-centred, militarized version of national security [derived from a realist framework] remains the dominant mode of policy thinking' (Enloe, 2007, p. 43). Situating gender as a central category of analysis encourages us to 'think outside the "state security box"' (p. 47) and to remember that 'the "individuals" of global politics do not work alone, live alone or politic alone – they do so in interdependent relationships with others' (Sjoberg and Gentry, 2008, p. 200) that are inherently gendered. One of the key analytical contributions of all three texts is the way in which they all challenge what it means to be 'doing' IR, by recognising various forms of violence, interrogating the public/private divide and demanding that attention is paid to the temporal and physical spaces in-between war and peace. Feminist security studies should not simply be seen as 'women doing security', or as 'adding women to IR/security studies'**,** important as these contributions are. Through their theorising, the authors discussed here reconfigure what 'counts' as IR, challenging orthodox notions of who can 'do' IR and what 'doing' IR means. The practices of power needed to maintain dominant configurations of international relations are exposed, and critiquing the productive power of realism as a discourse is one way in which the authors do this. Sjoberg and Gentry pick up on a recent theoretical shift in Anglo-American IR, from system-level analysis to a recognition that individuals matter. However, as they rightly point out, the individuals who are seen to matter are not gendered relational beings, but rather reminiscent of Hobbes' construction of the autonomous rational actor. '[T]he narrowness of the group that [such an approach] includes limits its effectiveness as an interpretive framework and reproduces the gender, class and race biases in system-level international relationship scholarship' (Sjoberg and Gentry 2008, p. 200, emphasis added). Without paying adequate attention to the construction of individuals as gendered beings, or to the reproduction of widely held ideas about masculine and feminine behaviours, Sjoberg and Gentry remind us that we will ultimately fail 'to see and deconstruct the increasingly subtle, complex and disguised ways in which gender pervades international relations and global politics' (2008, p. 225). In a similar vein, Roberts notes that 'human security is marginalised or rejected as inauthentic [because] it is not a reflection of realism's (male) agendas and priorities' (2008, p. 169). The 'agendas and priorities' identified by Roberts and acknowledged by Sjoberg and Gentry as being productive of particular biases in scholarship are not simply 'academic' matters, in the pejorative sense of the term. As Roberts argues, 'Power relationships of inequality happen because they are built that way by human determinism of security and what is required to maintain security (p. 171). Realism, as academic discourse and as policy guideline, has material effects. Although his analysis employs an unconventional definition of the term 'social construction' (seemingly interchangeable with 'human agency') and rests on a novel interpretation of the three foundational assumptions of realism (Roberts, 2008, pp. 169–77), the central point that Roberts seeks to make in his conclusion is valid: 'it is a challenge to those who deny relationships between gender and security; between human agency (social construction) and lethal outcome' (p. 183). In sum, all three texts draw their readers to an inescapable, and – for the conventional study of IR – a devastating conclusion: the dominance of neo-realism/realism and the state-based study of security that derives from this is potentially pathological, in that it is in part productive of the violences it seeks to ameliorate. I suggest that critical engagement with orthodox IR theory is necessary for the intellectual growth of the discipline, and considerable insight can be gained by acknowledging the relevance of feminist understandings of gender, power and theory. The young woman buying a T-shirt from a multinational clothing corporation with her first pay cheque, the group of young men planning a stag weekend in Amsterdam, a group of students attending a demonstration against the bombing of Afghanistan – studying these significant actions currently falls outside the boundaries of doing security studies in mainstream IR and I believe these boundaries need contesting. As Marysia Zalewski argues: International politics is what we make it to be ... We need to rethink the discipline in ways that will disturb the existing boundaries of both that which we claim to be relevant in international politics and what we assume to be legitimate ways of constructing knowledge about the world (Zalewski 1996, p. 352, emphasis in original). Conclusion: 'Let a Hundred Flowers Bloom, Let a Hundred Schools of Thought Contend' (Mao Tse-Tung) In this essay, I have used the analysis of three contemporary publications in the field of feminist security studies to demonstrate three significant sets of analytical contributions that such scholarship makes to the discipline of IR. Beyond the war/peace dichotomy that is frequently assumed to be definitive of the discipline, we find many and various forms of violence, occurring in and between temporally distinct periods of conflict, which are the product/productive of socially acceptable modes of gendered behaviour, ways of being in the world as a woman or man. I have also argued that critical engagement with conventional, state-based approaches to (national) security must persist as the academic discourses we write are complicit in the construction of the global as we understand it. Further, 'if all experience is gendered, analysis of gendered identities is an imperative starting point in the study of political identities and practice' (Peterson, 1999, p. 37). To this end, I conclude by suggesting that we take seriously Enloe's final comment: 'Tracking militarization and fostering demilitarization will call for cooperative investigations, multiple skills and the appreciation of diverse perspectives' (2007, p. 164). While there has been intense intra-disciplinary debate within contemporary feminist security studies over the necessary 'feminist credentials' of some gendered analyses, it is important to recognise the continual renewal and analytical vigour brought to the field by such debates.

Focusing on wartime violence misguides policy and allows gender violence to occur. **Kirby 14**

Kirby and Keunhast 14 – Ph.D., lecturer in international security the University of Sussex , director of the Center for Gender and Peacebuilding at the U.S. Institute of Peace (Paul and Kathleen, “What do we really know about wartime rape,” foreignpolicy.com, December 10, 2014)

- Epist indict – we exaggerate wartime violence which obscures focus on real sexual violence and causes serial policy failure

Whether spurring mass protests in India or being covered up on American university campuses, rape and other forms of sexual abuse are being discussed openly as never before. This goes too for sexual violence committed in war. And with that openness are increasing calls to change the way the world handles these crimes. This fall, reports of sexual violence perpetrated by Islamic State kidnappers(including violence committed against minority communities in Iraq) were met with international outrage. There have been similarly troubling reports about sexual assaults committed by African Union troops in Somalia and byall sides of the conflict in the Central African Republic. This summer, then-U.K. Foreign Secretary William Hague and U.N. Special Envoy Angelina Jolie co-chaired the largest-ever gathering on the subject, with 1,700 delegates from 123 countries convening to discuss the promise of “ending sexual violence in conflict.” Although concrete commitments were few, government ministers promised to address impunity, extend a range of services to those who have suffered sexual violence in war, take responsibility for their country’s own armed forces, and improve international cooperation. Those pronouncements are welcome, of course. But their ability to foster real change depends on understanding sexual violence in all its complexity, whether in conflict or outside of it. Which begs the question: What is actually known about the scale and forms of sexual violence, and how what happens in peacetime affects what happens in wartime — and vice versa? In some respects, a lot is already known. Despite complaints that sexual violence is not yet a sufficiently studied topic in political science, networks of dedicated scholars exist and are growing. Research over the last decades has shown that not all conflicts are marked by sexual violence to the same extent or in the same way, an important corrective to ideas of it as inevitable. New and extensive efforts at data collection also suggest that, in contrast to common assumptions about rebel groups and civilian victimization, state armed forces are the major perpetrators. We know that sexual violence persists — and can even increase — after war’s end, and that it has a complex relationship to peacetime abuses. There is good reason to think that under-reporting is a problem, but that this can be corrected somewhat by creating a better and safer environment for the victims who report such crimes. And we know that men and boys are survivors too. Yet unfortunately, such important insights often do not drive policy as much as they could. In part, this is because for all that is known about sexual violence in war, there’s much more that remains unclear. One major problem is how difficult it is to get a reliable picture of the global level and distribution of sexual violence. The bulk of well-researched human rights reports focus on specific conflict zones, and the pattern of atrocities they sketch out often is not comparable to other studies, making a comprehensive view frustratingly elusive. For instance, studies don’t always use the same conceptual frameworks. Some define sexual violence to include sexual slavery, while others do not. Some include sexualized torture against men held in detention, while others only look at crimes against women. It is still regrettably common for gender to be used as a synonym for women, ignoring that men’s experiences of war are also gendered. Some themes — such as the connection between violence against men, especially those who are abducted as boys by armed groups, and the violence they go on to perpetrate — are not even visible without that inclusion. These are not merely technical questions, but political ones. The exclusion of some from the role of survivor reinforces political narratives about victims and perpetrators, narratives that in turn shape who gains political recognition and agency. Without more accurate data — such as reliable baseline surveys on sexual violence before war begins — researchers can only make rough judgments about where violations are greatest, and what role conflict plays in driving them. Decisions over where best to focus limited resources are more robust, or at least more transparent, when changes in sexual abuse committed over time and different events are better understood. Without this kind of effort, it is too easy for individual cases and horrifying scenarios to drive both policy and media attention. Of course, sexual violence is infamously bedeviled by problems of measurement. One of the most reliable methods — the large, nationally representative survey — is rarely employed, and often cannot be, in conflict situations. Moreover, fluctuations in reporting, driven by factors such as relative security and confidence in authorities, can produce a false sense of precision. The U.S. military serves as a case in point. The latest investigation of sexual violence in the military by the Department of Defense (DOD) reports a 50 percent increase reported cases in 2013. This is the largest year-on-year jump in a steadily rising trend that began in the mid-2000s. Although critics are right to identify a range of failures in DOD programs, it is highly unlikely that the rate of perpetration has shifted so dramatically in 12 months. Instead, the change points to a willingness to report, attributable either to better procedures within the military or greater confidence on the part of survivors, who are perhaps now more aware that their cases are not isolated ones. After all, up until a few years ago, the issue of rape in the military was not much discussed in the media. Today, however, the experience of assault is better documented and has gained the attention of policymakers. Even where reliable figures exist, misleading statistics often persist. In the case of wartime sexual violence, mythical numbers can linger not only as under-estimates (because of low reporting) but also sometimes as over-estimates. In the aftermath of the Liberian war, for instance, it was often claimed — including by influential commentators like Nicholas Kristof of the New York Times — that 75 percent of all Liberian women had been raped, a conclusion derived from one study by the World Health Organization that had in fact only sampled women who had experienced gender-based violence. In other words, the original research had been on the prevalence of rape amongst survivors of all forms of gender-based violence (including humiliation, sexual beating, and other human rights abuses), not the prevalence of rape among Liberian women in general. As scholars Dara Kay Cohen and Amelia Hoover Green argued in the Journal of Peace Research in 2012, such figures persist in part because there are incentives for advocacy groups to base their campaigns on dramatic claims. Assuming that a global public is ever more inured to tales of horror, it becomes tempting to choose the most shocking number over the most accurate one. This is not to say that advocacy groups maliciously distort known data, but to warn that the periodic fixation on extreme cases necessarily means that responses are less consistent than they could be, and may fail to address the social and conflict dynamics that lie beneath shock figures. Global responses to sexual violence depend on how it’s counted, and whom researchers think counts. The willingness of policymakers to take sexual violence seriously in recent years has largely come from a framing of it is a weapon of war — that is, a mass atrocity deliberately adopted as a tactic of war to access economic resources or conquer strategic zones. The result has been an over-emphasis by media and activists on military perpetrators. Studies that focus on testimony from war zones or that foreground stories of attacks by soldiers are likely to discount the high levels of intimate partner and civilian-perpetrated sexual violence that also occur in conflict situations.

Gender violence is a key causal factor for war – deconstructing it is a pre requisite to peace. **Cockburn 10**

- patriarchal violence RC war – solving it stops war

Cockburn 10 – visiting professor at Department of Sociology at City University London, honorary professor in the Centre for the study of gender and women at University of Warwick, Women in Black against War, Women’s International League for Peace and Freedom (Cynthia, “Getting to Peace: what kind of movement” womeninblack.org, <http://www.womeninblack.org/old/files/OpenDemGettingtoPeace.pdf>)

Diana Francis, in the third of her series of articles, asks ‘what underlies war’s continuing widespread acceptance?’ This is a useful approach to the roots of war, in my view, because it opens up to questions about society, people, you and me, who are implicitly the ones to accept (or question, or refuse) war. It invites us to interrogate a film like Avatar, which is so characteristic of the culture we live in, the culture that enables, limits and shapes us. It leads to an exploration of the continuum of violence, the connections between the explosive violence of actual war, the perennial violence inherent in our militarized condition, and violence in everyday life and everyday culture. If Mary Kaldor is right (see her contribution to this debate, ‘Reconceptualizing War‘) in saying that wars are very often fought, not to be won but rather as a kind of mutual enterprise in which the warring parties share some benefits, this too must point us towards an examination of cultures. Some of the benefits that war-making people and classes gain from the perpetuation of armed conflict will certainly be economic. But some may be advantages in self-identity as men, or regard and status with regard to other people and groups. What messages are we taking in, telling each other, that make fighting, deliberate injury and killing, seem reasonable, desirable – even glorious? Avatar is just one of a zillion instances of cultural production that normalize and glorify fighting, militarization and war. And this violent culture in which we’re immersed is profoundly gendered, as Diana Francis, and Shelley Anderson in her recent article ‘Vital Peace Constituencies’, point out. Gendered mindsets, expectations, behaviours and attitudes feed and are fed by films like this, by video games, advertising, the fashion industry and TV reality shows, that bombard our consciousness day in and day out. Masculinity and femininity are endlessly constituted in idealized, contrasted and complementary forms that are parodies of real human ‘being’. We are made over as avatars fitted out for a virtual world in which each sex is a truncated, incomplete human being, a world in which he will survive violence and deal it out, while she will allure, invite and comply. The feminist women and pro-feminist men who resist such deformation are so marginal to the narrative they scarcely make the list of credits. And, unfortunately, this is no cinema fantasy but the very world we live in. Gender struggle in the peace movement One thing I have discovered during research in and among peace movements is that a gender struggle goes on in them too. The majority of organizations are mixed. They have many women in the membership, though frequently the leading personalities and spokes-persons are male. In most countries however there are a handful of feminist antiwar, antimilitarist and peace organizations. These are often differentiated from the mainstream peace movements of which they are a part, and to which they contribute, by one particular quality. While they don’t fail to pay attention to the large-scale issues and events that concern all peace movements – weapons of mass destruction, huge global military expenditures, the worldwide system of United States military bases, and so on – they simultaneously call attention to more mundane violence and the individual lives it affects, to pain, care and responsibility. For instance, Okinawan Women Act Against Military Violence (OWAMMV), like the rest of the Japanese peace movement, are concerned with the huge burden of the US bases that spread their razor wire all over the archipelago. But they also campaign against the abuse, rape and murder of individual women that is too often associated with the areas of bars and brothels surrounding these bases. OWAAMV’s first act on learning of a new assault, however, is always to check on the wellbeing of the victim before launching (yet another) mass protest against the system that has harmed her. Likewise, In South Korea, Women Making Peace are notable for having introduced into the movement a stress on ‘peace culture’, changing lives and practices, starting with one’s own. Which does not mean they don’t go out to join demonstrations against sending troops to Afghanistan or Iraq, or join in the campaign for the reunification of Korea. They do that too. After spending time with the women of many such organizations, and as a member, myself, of both Women in Black and the Women’s International League for Peace and Freedom, it seems to me that together we are introducing a fresh new thought into the field of international relations and war studies. We are saying: if the gendered cultures of violence in everyday life bring about ‘widespread acceptance of war’, then gender relations, as we know and live them, must be recognized as, in fact, causal in war. I have argued as much in an article appearing next month in the International Feminist Journal of Politics. A predisposing cause Most visible in the news analysis of any given war, of course, are economic factors (access to resources and markets). And yes, fair enough, capitalist expansionism and corporate interests certainly do motivate war-making governments and other social actors. Also visible, perhaps more hyped, in the conventional analysis are political factors. And, indeed, wars often are about the control or exclusion of particular kinds of people (the ones the wrong side of a border, the ones with the wrong god, or skin colour, or national name). Sometimes these two sets of motivations are summed up as ‘greed and grievance’, or ‘capitalism and nationalism’ or ‘class and race’. But the male power system (still widely called patriarchy, for lack of a better name) is intertwined with the capitalist mode of production and the nationstate system among the causes of war. As a source of cultures that produce sexual divisions – sexual divisions of labour, of war, of love – gender power relations ready us all the time for violence. They are a predisposing cause. Raewyn Connell, a well-known theoretician of masculinity and gender power, endorses this view. She writes that ‘masculinities are the forms in which many dynamics of violence take shape’. While the causes of war are many, therefore, and include ‘dispossession, poverty, greed, nationalism, racism, and other forms of inequality, bigotry and desire... Yet given the concentration of weapons and the practices of violence among men, gender patterns appear to be strategic’ 2. If gender relations are indeed one of the root causes of war, it follows that transformative change in gender relations must be part of the effort for peace. Gender work is peace work. This opens the door to men in the peace movement. To quote R.W.Connell once again, ‘Evidently, then, strategy for demilitarization and peace must include a strategy of change in masculinities. This is the new dimension in peace work which studies of men suggest: contesting the hegemony of masculinities which emphasise violence, confrontation and domination, and replacing them with patterns of masculinity more open to negotiation, cooperation and equality’. Men in the peace movement Men in the peace movement could step through that open door now and work on a critique of the manipulation of masculinity for militarism, making it a conscious part of their antiwar activism. They could say, as we wrote on our banner at the Women’s Gate of the Aldermaston Blockade a month ago, ‘No fists, no knives, no guns, no bombs. No to all violence’. Such a simple slogan links, in one giddy move, bedroom and battlefield, the violence of so-called peace and that of so-called war, in a single continuum. That is, I think, a concept with a perspective capable of inspiring a movement on a matching scale. War culture is hegemonic in our society. It’s the prevailing common-sense. The antiwar movement is, by comparison, patchy, disparate, and on some issues even divided. Parts of it focus on nuclear weapons, parts on the arms trade, parts on contemporary war-fighting. Its discourses include various kinds of socialism, pacifism, feminism – and those of various religions. These sectors and segments pull together on some issues, part company on others. To prevail over the taken-for granted militarism of the dominant culture I believe the movement has to follow the lead of organizations such as OWAAMV and Women Making Peace, and others like them in different countries, and allow a critique of gender to become a prompt to reinterpret and transform the peace movement, its aims, its structures and its own cultures. What is today a movement against war could become something wider and deeper, effectively a counter-hegemonic movement, a nonviolent movement for a nonviolent world.

Debater’s cognitive biases overestimate high impact scenarios – high magnitude focus distort debate's potential to meaningfully speak to issues like gender violence. **Cohn 13**

Nate Cohn 13, covers elections, polling and demographics for The Upshot, a Times politics and policy site. Previously, he was a staff writer for The New Republic. Before entering journalism, he was a research assistant and Scoville Fellow at the Stimson Center “Improving the Norms and Practices of Policy Debate,” Nov 24, <http://www.cedadebate.org/forum/index.php/topic,5416.0.html>

So let me offer another possibility: the problem isn’t the topic, but modern policy debate. The unrealistic scenarios, exclusive focus on policy scholarship, inability to engage systemic impacts and philosophical questions. And so long as these problems characterize modern policy debate, teams will feel compelled to avoid it.¶ It might be tempting to assign the blame to “USFG should.” But these are bugs, not features of plan-focused, USFG-based, active voice topics. These bugs result from practices and norms that were initially and independently reasonable, but ultimately and collectively problematic. I also believe that these norms can and should be contested. I believe it would be possible for me to have a realistic, accessible, and inclusive discussion about the merits of a federal policy with, say, Amber Kelsie. Or put differently, I’m not sure I agree with Jonah that changing the topic is the only way to avoid being “a bunch of white folks talking about nuke war.”¶ The fact that policy debate is wildly out of touch—the fact that we are “a bunch of white folks talking about nuclear war”—is a damning indictment of nearly every coach in this activity. It’s a serious indictment of the successful policy debate coaches, who have been content to continue a pedagogically unsound game, so long as they keep winning. It’s a serious indictment of policy debate’s discontents who chose to disengage. ¶ That’s not to say there hasn’t been any effort to challenge modern policy debate on its own terms—just that they’ve mainly come from the middle of the bracket and weren’t very successful, focusing on morality arguments and various “predictions bad” claims to outweigh. ¶ Judges were receptive to the sentiment that disads were unrealistic, but negative claims to specificity always triumphed over generic epistemological questions or arguments about why “predictions fail.” The affirmative rarely introduced substantive responses to the disadvantage, rarely read impact defense. All considered, the negative generally won a significant risk that the plan resulted in nuclear war. Once that was true, it was basically impossible to win that some moral obligation outweighed the (dare I say?) obligation to avoid a meaningful risk of extinction.¶ There were other problems. Many of the small affirmatives were unstrategic—teams rarely had solvency deficits to generic counterplans. It was already basically impossible to win that some morality argument outweighed extinction; it was totally untenable to win that a moral obligation outweighed a meaningful risk of extinction; it made even less sense if the counterplan solved most of the morality argument. The combined effect was devastating: As these debates are currently argued and judged, I suspect that the negative would win my ballot more than 95 percent of the time in a debate between two teams of equal ability.¶ But even if a “soft left” team did better—especially by making solvency deficits and responding to the specifics of the disadvantage—I still think they would struggle. They could compete at the highest levels, but, in most debates, judges would still assess a small, but meaningful risk of a large scale conflict, including nuclear war and extinction. The risk would be small, but the “magnitude” of the impact would often be enough to outweigh a higher probability, smaller impact. Or put differently: policy debate still wouldn’t be replicating a real world policy assessment, teams reading small affirmatives would still be at a real disadvantage with respect to reality. . ¶ Why? Oddly, this is the unreasonable result of a reasonable part of debate: the burden of refutation or rejoinder, the responsibility of debaters to “beat” arguments. If I introduce an argument, it starts out at 100 percent—you then have to disprove it. That sounds like a pretty good idea in principle, right? Well, I think so too. But it’s really tough to refute something down to “zero” percent—a team would need to completely and totally refute an argument. That’s obviously tough to do, especially since the other team is usually going to have some decent arguments and pretty good cards defending each component of their disadvantage—even the ridiculous parts. So one of the most fundamental assumptions about debate all but ensures a meaningful risk of nearly any argument—even extremely low-probability, high magnitude impacts, sufficient to outweigh systemic impacts. ¶ There’s another even more subtle element of debate practice at play. Traditionally, the 2AC might introduce 8 or 9 cards against a disadvantage, like “non-unique, no-link, no-impact,” and then go for one and two. Yet in reality, disadvantages are underpinned by dozens or perhaps hundreds of discrete assumptions, each of which could be contested. By the end of the 2AR, only a handful are under scrutiny; the majority of the disadvantage is conceded, and it’s tough to bring the one or two scrutinized components down to “zero.”¶ And then there’s a bad understanding of probability. If the affirmative questions four or five elements of the disadvantage, but the negative was still “clearly ahead” on all five elements, most judges would assess that the negative was “clearly ahead” on the disadvantage. In reality, the risk of the disadvantage has been reduced considerably. If there was, say, an 80 percent chance that immigration reform would pass, an 80 percent chance that political capital was key, an 80 percent chance that the plan drained a sufficient amount of capital, an 80 percent chance that immigration reform was necessary to prevent another recession, and an 80 percent chance that another recession would cause a nuclear war (lol), then there’s a 32 percent chance that the disadvantage caused nuclear war. ¶ I think these issues can be overcome. First, I think teams can deal with the “burden of refutation” by focusing on the “burden of proof,” which allows a team to mitigate an argument before directly contradicting its content. ¶ Here’s how I’d look at it: modern policy debate has assumed that arguments start out at “100 percent” until directly refuted. But few, if any, arguments are supported by evidence consistent with “100 percent.” Most cards don’t make definitive claims. Even when they do, they’re not supported by definitive evidence—and any reasonable person should assume there’s at least some uncertainty on matters other than few true facts, like 2+2=4.¶ Take Georgetown’s immigration uniqueness evidence from Harvard. It says there “may be a window” for immigration. So, based on the negative’s evidence, what are the odds that immigration reform will pass? Far less than 50 percent, if you ask me. That’s not always true for every card in the 1NC, but sometimes it’s even worse—like the impact card, which is usually a long string of “coulds.” If you apply this very basic level of analysis to each element of a disadvantage, and correctly explain math (.4\*.4\*.4\*.4\*.4=.01024), the risk of the disadvantage starts at a very low level, even before the affirmative offers a direct response. ¶ Debaters should also argue that the negative hasn’t introduced any evidence at all to defend a long list of unmentioned elements in the “internal link chain.” The absence of evidence to defend the argument that, say, “recession causes depression,” may not eliminate the disadvantage, but it does raise uncertainty—and it doesn’t take too many additional sources of uncertainty to reduce the probability of the disadvantage to effectively zero—sort of the static, background noise of prediction.¶ Now, I do think it would be nice if a good debate team would actually do the work—talk about what the cards say, talk about the unmentioned steps—but I think debaters can make these observations at a meta-level (your evidence isn’t certain, lots of undefended elements) and successfully reduce the risk of a nuclear war or extinction to something indistinguishable from zero. It would not be a factor in my decision.¶ Based on my conversations with other policy judges, it may be possible to pull it off with even less work. They might be willing to summarily disregard “absurd” arguments, like politics disadvantages, on the grounds that it’s patently unrealistic, that we know the typical burden of rejoinder yields unrealistic scenarios, and that judges should assess debates in ways that produce realistic assessments. I don’t think this is too different from elements of Jonah Feldman’s old philosophy, where he basically said “when I assessed 40 percent last year, it’s 10 percent now.”¶ Honestly, I was surprised that the few judges I talked to were so amenable to this argument. For me, just saying “it’s absurd, and you know it” wouldn’t be enough against an argument in which the other team invested considerable time. The more developed argument about accurate risk assessment would be more convincing, but I still think it would be vulnerable to a typical defense of the burden of rejoinder. ¶ To be blunt: I want debaters to learn why a disadvantage is absurd, not just make assertions that conform to their preexisting notions of what’s realistic and what’s not. And perhaps more importantly for this discussion, I could not coach a team to rely exclusively on this argument—I’m not convinced that enough judges are willing to discount a disadvantage on “it’s absurd.” Nonetheless, I think this is a useful “frame” that should preface a following, more robust explanation of why the risk of the disadvantage is basically zero—even before a substantive response is offered.¶ There are other, broad genres of argument that can contest the substance of the negative’s argument. There are serious methodological indictments of the various forms of knowledge production, from journalistic reporting to think tanks to quantitative social science. Many of our most strongly worded cards come from people giving opinions, for which they offer very little data or evidence. And even when “qualified” people are giving predictions, there’s a great case to be extremely skeptical without real evidence backing it up. The world is a complicated place, predictions are hard, and most people are wrong. And again, this is before contesting the substance of the negative’s argument(!)—if deemed necessary.¶ So, in my view, the low probability scenario is waiting to be eliminated from debate, basically as soon as a capable team tries to do it.¶ That would open to the door to all of the arguments, previously excluded, de facto, by the prevalence of nuclear war impacts. It’s been tough to talk about racism or gender violence, since modest measures to mitigate these impacts have a difficult time outweighing a nuclear war. It’s been tough to discuss ethical policy making, since it’s hard to argue that any commitment to philosophical or ethical purity should apply in the face of an existential risk. It’s been tough to introduce unconventional forms of evidence, since they can’t really address the probability of nuclear war

### Add-On - Soft Power

Gun violence kills soft power – perception of a ban is key. **Freedland 13**

Freedland ’13 (Jonathan Freedland is the Guardian's executive editor, Opinion, overseeing Comment is free, editorials and long reads. He continues to write a weekly column. He is also a regular contributor to the New York Times and the New York Review of Books, and presents BBC Radio 4's contemporary history series, The Long View. In 2014 he was awarded the Orwell special prize for journalism, having been named columnist of the year in the 2002 What the Papers Say awards. He has also published seven books, including five bestselling thrillers under the name Sam Bourne. “Washington DC shootings: America's gun disease diminishes its soft power,” 9/17, http://www.theguardian.com/commentisfree/2013/sep/17/washington-dc-shootings-america-gun-disease bracketed for gender

But that would be to miss the wider point. America's gun sickness – which has turned massacres of this kind into a fairly regular, rather than exceptionally rare occurrence – endangers the US not solely because it can lead military personnel to lose their lives, nor even because it can lead to the murder of schoolchildren, as it did at Sandy Hook elementary school last year, or the death of young movie-goers, as it did in Aurora, Colorado, also last year – dreadful though those losses are. The foreign policy experts who gather in the thinktanks and congressional offices not far from the navy yard often define national security to encompass anything that touches on America's standing in the world. That ranges from its ability to project military force across the globe to its attractiveness, its "soft power". For decades, this latter quality has been seen as one of the US's primary assets, central to its ability to lead and persuade other nations. But America's gun disease diminishes its soft power. It makes the country seem less like a model and more like a basket case, afflicted by a pathology other nations strive to avoid. When similar gun massacres have struck elsewhere – including in Britain – lawmakers have acted swiftly to tighten controls, watching as the gun crime statistics then fell. In the decade after the rules were toughened in Australia in 1996, for example, firearm-related homicides fell by 59%, while suicides involving guns fell by 65%. But the US stays stubbornly where it is, refusing to act. When President Obama last tried, following the deaths of 20 children and six staff at Sandy Hook at the end of 2012, his bill fell at the first senate hurdle. He had not proposed banning a single weapon or bullet – merely expanding the background checks required of someone wanting to buy a gun. But even that was too much. The national security pundits who worry how a US president is perceived when he is incapable of protecting the lives of innocent Syrians abroad should think how it looks when he is incapable of protecting the lives of innocent Americans at home. On guns, the US – so often the world leader in innovation and endeavour – is the laggard, stuck at the bottom of the global class. Bill Clinton perfectly distilled the essence of soft power when he said in 2008, "People the world over have always been more impressed by the power of our example than by the example of our power." He was right. But every time a disturbed or angry individual is able to vent his rage with an assault weapon, killing innocents with ease, the power of America's example fades a little more.

Multiple extinction scenarios. **Nye 07**

Nye and Armitage, 2007 − Distinguished Service Professor at Harvard University and President of Armitage International

(Joseph & Richard, \*Note: Report was in collaboration with about 50 other congressmen, “CCIS Commission of Smart Power – A Smarter, more Secure America”, http://www.csis.org/media/csis/pubs/071106\_csissmartpowerreport.pdf) MP

Today’s Challenges The twenty-first century presents a number of unique foreign policy challenges for today’s decisionmakers. These challenges exist at an international, transnational, and global level. Despite America’s status as the lone global power, the durability of the current international order is uncertain. America must help find a way for today’s norms and institutions to accommodate rising powers that may hold a different set of principles and values. Furthermore, countries invested in the current order may waiver in their commitment to take action to minimize the threats posed by violent non-state actors and regional powers who challenge this order. The information age has heightened political consciousness, but also made political groupings less cohesive. Small, adaptable, transnational networks have access to tools of destruction that are increasingly cheap, easy to conceal, and more readily available. Although the integration of the global economy has brought tremendous benefits, vectors of prosperity have also become vectors of instability. Threats such as pandemic disease and the collapse of financial markets are more distributed and more likely to arise without warning. The threat of widespread physical harm to the planet posed by nuclear catastrophe has existed for half a century, though the realization of the threat will become more likely as the number of nuclear weapons states increases. The potential security challenges posed by climate change raise the possibility of an entirely new set of threats for the United States to consider. The next administration will need a strategy that speaks to each of these challenges. Whatever specific approach it decides to take, two principles will be certain: First, an extra dollar spent on hard power will not necessarily bring an extra dollar’s worth of security. It is difficult to know how to invest wisely when there is not a budget based on a strategy that specifies trade-offs among instruments. Moreover, hard power capabilities are a necessary but insufficient guarantee of security in today’s context. Second, success and failure will turn on the ability to win new allies and strengthen old ones both in government and civil society. The key is not how many enemies the United States kills, but how many allies it grows. States and non-state actors who improve their ability to draw in allies will gain competitive advantages in today’s environment. Those who alienate potential friends will stand at greater risk. Terrorists, for instance, depend on their ability to attract support from the crowd at least as much as their ability to destroy the enemy’s will to fight. Exporting Optimism, Not Fear Since its founding, the United States has been willing to fight for universal ideals of liberty, equality, and justice. This higher purpose, sustained by military and economic might, attracted people and governments to our side through two world wars and five decades of the Cold War. Allies accepted that American interests may not always align entirely with their own, but U.S. leadership was still critical to realizing a more peaceful and prosperous world. There have been times, however, when America’s sense of purpose has fallen out of step with the world. Since 9/11, the United States has been exporting fear and anger rather than more traditional values of hope and optimism. Suspicions of American power have run deep. Even traditional allies have questioned whether America is hiding behind the righteousness of its ideals to pursue some other motive. At the core of the problem is that America has made the war on terror the central component of its global engagement. This is not a partisan critique, nor a Pollyannaish appraisal of the threats facing America today. The threat from terrorists with global reach and ambition is real. It is likely to be with us for decades. Thwarting their hateful intentions is of fundamental importance and must be met with the sharp tip of America’s sword. On this there can be no serious debate. But excessive use of force can actually abet terrorist recruitment among local populations. We must strike a balance between

### Add-On - Global Violence

Gun ban in the US solves global violence – outweighs on scope. **Fendrock 13**

John J. Fendrock 13,“The Second Amendment in the 21st Century: FIREARMS IN SOCIETY - A BLESSING OR A CURSE ?”, Xlibris Corporation, 19 Apr 2013

With the new Constitution the United States was recognized as having lit the torch of liberty and freedom that, to this day, people in every corner of the world work at approximating. This Document despite shortcomings that still exist is recognized as the greatest, most enlightened Document conceived by man for the self-governance of his fellow men. A State of mind that has persisred for these two-plus centuries. Those high ideals will eventually be reached as the American public becomes enlightened as to what is missing in their lives. Now, the country has an opportunity to light another beacon for the advancement of civilization. Is it that difficult to visualize a world devoid of instruments of death in the possession of every individual passing one by on the street or sitting next to them in a vehicle of transportation?¶ America can lead the world to being a better safer and more congenial place to live. The effect of the proposal of depriving society of the right to possess arms would immediately reduce the production of guns-firearms and eliminate the country as the worlds supplier of those instruments of death. Other nations would follow suit. And. since we have been learning from our past experience in allowing special interest groups to delay the incorporation of the rights and privileges of individuals, regardless of their position in society, change could be accelerated and the world made¶ a better and safer place in relatively short order.¶ America has the opportunity to lead the world upward on the ladder¶ of civilization. That opportunity must be grasped and brought about¶ without delay.

## A2 Politics

### A2 Politics (Generic)

Zika, CJS, appropriations all thump. **Steinhauer 4/29**

Jennifer Steinhauer, "Another Chance for Bipartisan Achievement Slips Away," New York Times, http://www.nytimes.com/2016/04/30/us/politics/another-chance-for-bipartisan-achievement-slips-away.html?\_r=0, April 29, 2016. CC

Republicans, rather than rallying with joy around a nominee on the rise, this week settled into a bit of a hate dance with Donald J. Trump, in a bizarre bunny-hop of new endorsements, feeble thumbs up and continued denial and rage. Distrust between Congress and Mr. Obama — at times involving even the president’s own party — and a Republican allergy to almost any increased federal spending have combined into a contentious brew that led this week to the unraveling of a basic appropriations bill, an unsettled fight over funding to combat the Zika virus and a dim horizon for once-promising items like an overhaul of criminal justice laws. Other bills that left the committee on a wave of bipartisan bliss have been parked outside the House and Senate floors, and many judicial nominations are stalled. Republicans say it is Mr. Obama’s fault, for being too far from them on every policy issue, and using executive orders and regulations over legislative wooing to get to achieve his ends. “This is my third president I’ve served with,” Speaker Paul D. Ryan said on Thursday. “I’d say this is the most ideological president I’ve ever served with. He’s very dogmatic in pursuit of his ideology, and therefore I don’t see a bridging of the gap because of the nature of this presidency.” Democrats blame the far right of the Republican Party, which they say has dictated the terms of congressional action, and more often, inaction, for years. That in turn pushes Democrats farther from the compromise mode. “The forces in our politics are pushing things to the extreme,” said Senator Chuck Schumer, Democrat of New York who stood with several of his colleagues on Thursday to deride Republicans over their own to-do list of legislation and confirmations left waiting. “The old forces that once brought things together are now pulling them apart. On both sides, but mostly on their side.” It has not always been this way. President Harry S. Truman’s National Security Act of 1947 was forged with a Republican Congress before the brutal campaign of 1948. Ronald Reagan achieved major Social Security amendments and a rewrite of the tax code in 1986. President Clinton reached a landmark agreement with the Republican Congress to dismantle the New Deal-era federal welfare program in 1996, his re-election year. “There was partisanship but always more possibilities for deals since factions in each party had incentives for working across the aisle,” said Julian E. Zelizer, a professor of history and public affairs at Princeton University. “That has changed.” He added, “The entire political process in the current age — especially with the 24-hour media — in my mind makes legislative negotiation almost impossible. Deals are reported before legislators even know about them, which gives activists and interest groups time to mobilize and kill them.” It may not help that the last end-of-a-term spark of bipartisanship, under George W. Bush during the financial crisis, produced the Troubled Asset Relief Program, or TARP, the Wall Street bank bailout now proved to be a political disaster and that helped beget the Tea Party and the deepening partisan divide. Some things are simply more complicated than they appear, or that partisan talking points capture. For instance, Democrats this week twice filibustered a basic energy and water appropriations bill — one that was chosen because it seemed so easy to pass — because of an amendment, offered by Senator Tom Cotton, Republican of Arkansas, that would bar the United States from purchasing water used in producing nuclear energy and nuclear weapons from Iran, arguing that it was a poison pill that would trigger a White House veto. True. What they did not say is that the reason it would trigger that veto is because it would most likely pass, with the help of Democrats who are wary of Iran. Republicans say they will not offer an additional $1.9 billion to fight the Zika virus because the White House has not explained how it will spend the money; “explaining” being open to interpretation since the administration provided a lengthy memo on just that. What Republicans are not saying is that they fully intend to release the money, just not as the appropriations process begins because they do not wish to further inflame spending issues with their colleagues in the House, who have their own internal struggles with passing a budget and appropriations measures.

Climate Thumps. **GOODENOUGH 4/28**

(Patrick; CNS News, “State Dept.--Ignoring Law--Won't Defund U.N. Climate Agency for Admitting 'State of Palestine',” http://www.cnsnews.com/news/article/patrick-goodenough/state-dept-ignoring-law-will-not-defund-un-climate-agency-admitting)

Climate change initiatives are a top priority for the administration, which has requested $13 million for the UNFCCC in fiscal year 2017 and recently sent $500 million to the GCF – the first instalment of a $3 billion pledge over four years. Those same climate initiatives are anathema to many congressional Republicans – who also contest the legality of the administration’s decision to send funds to the GCF without congressional authorization or appropriation.

TPP Thumps **BAKER 4/25**

(Dean; Co-Director – Center for Economic and Policy Research, “Trading games in Washington,” http://www.hani.co.kr/arti/english\_edition/e\_editorial/741116.html)

The Obama administration is beginning its big push to get Congress to approve the Trans-Pacific Partnership (TPP). As is standard practice in debates over trade policy in Washington, this means that the rules of logic and economics are thrown out the door. The administration and its allies are prepared to do whatever is necessary to get the TPP approved by Congress. First of all, there is an interesting point to be made about the timing of any congressional vote. The president must formally submit the trade pact at least 90 days before Congress brings it to a vote. At this point, the 90 day requirement would mean that a vote could not take place until at least the middle of the summer. That is likely too close to the fall elections for many members of Congress to avoid losing votes in the election if they support the deal. The conventional wisdom is that if the TPP comes to a vote before President Obama leaves office, it will be in a lame duck session after the November election. This will allow many members of Congress to vote for an unpopular trade pact and hope that people will have forgotten by the time they next have to face the voters.

**Turn -** the plan is immensely bipartisan and unifying. **Jensen 15**

Tom Jensen. Public Policy Polling. “82% of Americans Support Preventing Domestic Abusers From Buying Guns” July 22, 2015. CC

Public Policy Polling surveyed 636 registered voters on June 19th and 20th on behalf of the Center for American Progress Action Fund. The survey’s margin of error is +/-3.9%.

A new Public Policy Polling survey finds that 82% of Americans would support legislation prohibiting anyone convicted of stalking or domestic abuse against a dating partner from buying a gun. Only 11% are opposed to such a bill. What is particularly striking is the broad support across all demographic lines for keeping guns out of these people’s hands. Key findings from the survey include: -There’s a broad bipartisan consensus in support of this change to the law. Democrats support it 92/3, independents do 82/10, and Republicans do by a 68/23 spread. It is very hard to find any policy proposal that more than two thirds of both Democrats and Republicans support these days. -Gun owners have no problem with this bill- in fact they strongly support it. 80% of gun owners think it’s a good idea, compared to only 12% who are opposed to it. Those numbers are little different from the 87/7 support it has with non-gun owners. -There’s also an overwhelming mandate for this legislation across gender lines. Women are particularly supportive of it, with 87% favoring it to only 6% who are opposed. But attitudes among men aren’t much different- 77% of them are in support with only 16% against. -Greater than 80% support for the proposal exists across all racial groups. Hispanics (92/6) and African Americans (89/1) both give it near unanimous support, with whites (80/13) overwhelmingly in favor as well. In this era of divisive politics, there is little that 82% of Americans agree about. But prohibiting people convicted of stalking or domestic abuse against a dating partner is something that brings every segment of the electorate together. This would be a unifying and popular law to pass.

It’s no intrinsic – logical policy would do both since they’d recognize the bad effects of not passing the bill

Forcing controversial fights key to Obama’s agenda. **Dickerson 13**

(John, Slate, Go for the Throat!, www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. He has abandoned that. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift.

### A2 Ayotte Lose

1. Ayotte is too far gone to gain more support. **Brooks 4/5**

“In Key Senate Race, N.H.'s Kelly Ayotte Faces Challenges From The Left And The Right,” Anthony Brooks, 4/5/16, NPR (Boston).

With the presidential campaign attracting so much attention, it’s easy to lose sight of another major political race taking shape: the campaign for the U.S. Senate.¶ Democrats are hoping they can win control of the Senate, where Republicans hold a four-seat majority and face the challenge of defending 24 seats in November.¶ Among the key races is the contest in New Hampshire, where popular Republican Sen. Kelly Ayotte faces a series of threats: a challenge on the left from popular Democratic Gov. Maggie Hassan, and a challenge on the right from within her own party. And then there’s the question of Donald Trump.¶ The Senate Majority PAC, which is supporting efforts to elect Democrats to the U.S. Senate, is running ads in New Hampshire that fault Ayotte and her fellow Senate Republicans for refusing to give a hearing to Judge Merrick Garland, President Obama’s pick for the Supreme Court. The ads link her to the combustible Republican frontrunner, Trump, who could be a liability in November.¶ “Donald Trump wants the Senate to delay filling the Supreme Court vacancy so he can choose the nominee next year,” the ad says. “And Sen. Kelly Ayotte is right there to help.”¶ Asked if she would support Trump if he were to win the Republican presidential nomination, Ayotte says she’s focused on other challenges.¶ “I’m running against Gov. Hassan,” she said in Hanover last weekend. “I’ll support the Republican nominee, but I want to see how this plays out. This process is far from over.”¶ At the same time, Ayotte is facing her own process to win re-election.¶ A few days ago, Gov. Hassan was at a ribbon-cutting for an addiction recovery center in Manchester. After the event, she talked about why she wants Ayotte’s job. Hassan called the senator too close to the Republican Party’s right wing, citing her votes to repeal Obamacare, defund Planned Parenthood and oppose new gun control measures.¶ “Her voting record in her first four years was about 90 percent with the Koch brothers and her far-right party’s leadership,” Hassan said. “And she’s standing with them right now, saying there shouldn’t even be a hearing on President Obama’s nominee.”¶ Asked if the Democrats would handle the situation any differently, Hassan said that “past dysfunction is not an excuse for current dysfunction.”¶ Hassan and the Senate Majority PAC are counting on this issue to fire up the base. Whether it will or not is unclear, though it has sparked some small protests and editorials urging Ayotte to “do her job.”¶ “The Constitution is clear,” Hassan said. “The president has a duty to make a nomination, and the Senate has a duty to advise and consent.”¶ For her part, Ayotte takes the position of the Republican leadership that the Senate should put off any high court hearings until after the election.¶ “The people should have a voice in this,” she said. “This is a decision that is going to have an impact on the nation for decades. So my position is, let’s let the people have a voice in this.”¶ But Ayotte’s position requires a bit of a balancing act: On the one hand she opposes hearings for Garland, but on the other she’s among a small group of Republican senators willing to meet with the judge, prompting her critics to say she’s trying to have it both ways. Among her critics is Jim Rubens, a fellow Republican and former state senator who’s challenging her in the Republican primary. Rubens questions Ayotte’s conservative credentials.¶ “The problem is she’s gone completely off the rails on the big issues,” he said last weekend on WMUR. “She stabbed the base. She stabbed our party’s principles in the back.”¶ Among Rubens’ charges: that Ayotte supported bipartisan immigration reform that would have provided a path for citizenship for undocumented immigrants.¶ Andy Smith, of the University of New Hampshire Survey Center, says the fact that Ayotte is being attacked from both the left and the right represents a difficult challenge for her in a state like New Hampshire.¶ “New Hampshire is a state that leans Democratic, so that makes it difficult for any Republican,” Smith said.¶ “If she’s forced to run to the political right to stave off a primary challenge, that could make it more difficult for her in the general election, where you have to be more in the political center.”¶ – Andy Smith, of the UNH Survey Center¶ Ayotte has an advantage in that she’s popular and the incumbent, but Smith said, “If she’s forced to run to the political right to stave off a primary challenge, that could make it more difficult for her in the general election, where you have to be more in the political center.”¶ Ayotte says she is not surprised or daunted by the challenges from the right and the left.¶ “This is what happens when you actually work with people and you have a record like mine,” she said last weekend in Hanover, touting her reputation as a centrist.¶ It is fair to say that Ayotte is a conservative who doesn’t always vote in lockstep with her party. For example, she endorsed the president’s Clean Power Plan, backed paid sick leave and supported giving full government benefits to same-sex couples.¶ “I’m focused on being a strong independent voice to get things done for New Hampshire,” she said. “So I understand that I’m going to take criticism from the extremes.”¶ With the New Hampshire presidential primary behind us, the political focus has shifted elsewhere in the country. But soon enough it will return to New Hampshire, where the contest between a popular Republican senator and a popular Democratic governor could have a lot to say about which party ends up controlling the Senate.

Outweighs on recency – 4 months newer

2. Plan popular denies the link – it means that she has to vote to even save face, but won’t gain supporters through the vote.

3. Dems lose anyway – they don’t have anything against this. **Trende 1/11**

Trende 1/11: (Sean Trende. Senior Elections Analyst for RealClearPolitics. He is the author of "The Lost Majority: Why the Future of Government Is Up for Grabs and Who Will Take It," and will co-author the forthcoming Almanac of American Politics 2014. Full-time political analyst. “Calculating Democrats' Chances of Regaining the Senate.” Real Clear Politics. January 11, 2016.)

The developing conventional wisdom is that Democrats’ chances of taking back the Senate in 2016 hinge on their ability to claim a third term in the White House. But is this true? Like most conventional wisdom, there is some truth here, but it probably overstates the case. To address this question, I decided to revisit a Senate election model I developed early in 2014. I won’t completely rehash the details of the model here (you can read them at the above links), but the basic theory is simple: Our federal elections have become so polarized that you can now predict Senate races accurately knowing just three variables: The president’s job approval rating, whether there is an incumbent in a race, and whether one party or the other nominates a badly damaged, controversial candidate (think Christine O’Donnell). The data are collected from 2004, 2006, 2010 and 2012. I’ve updated the model to include data from 2014 as well. The 2008 results are not included because at a certain point, presidential job approval stops mattering; a president with a 25 percent job approval (which George W. Bush had in late 2008) does little more harm than a president with a 35 percent job approval, because that difference largely occurs with partisan Republicans who are likely to vote for a Republican regardless (more on this later). For the same reason, I do not go back to 1998-2002. In years where the job approval question did not appear at the state level in the exit polls, job approval is estimated from the national job approval in the exit polling, modified by the state’s partisan voter index. The model generally performs well. For starters, in early 2014, it indicated that if Barack Obama’s job approval on Election Day were 44 percent, then Republicans should gain nine seats. That is where the exit polls had his job approval, and Republicans gained nine seats. It predicted the Democrats’ vote shares pretty accurately as well, including coming within one point of the results in hard-to-predict races like North Carolina and Colorado (there were misses in excess of four points in South Dakota, where Larry Pressler depressed the Democratic vote, and in Oregon, where Monica Wehby’s campaign imploded). Across all years, the median error is one point, as is the mode. When modeling, it can be useful to go back after the fact and check to see if your model did indeed predict things well. For example, if we run the model using only the data from 2006 and 2010-2014 to try and predict 2004, it suggest that Republicans should have picked up four seats that year, which they did. Utilizing this approach for other years in the sample results in a prediction of Democrats picking up six seats in 2006 (they indeed picked up six), losing five seats in 2010 (they lost six), and losing one seat in 2012 (they picked up two). Incidentally, it performs terribly in 2008, predicting Democratic gains of 13 seats. Republicans over-perform the predictions by about seven points on average. This seems to validate the assumption that 2008 is too dissimilar to include. So what does this model predict for 2016? Well, we’re faced with two problems. First, we don’t know what President Obama’s job approval will be. There are a few ways to deal with this, but I ultimately utilized the same approach as I did in 2014: by generating random numbers following a normal distribution around various means (I’ll explain more on this below). More importantly, we don’t know where problem candidates will surface, so I assigned probabilities. I gave Republicans a 10 percent chance of nominating a problem candidate in Nevada (where Sharron Angle is considering another bid), 30 percent in Florida, 10 percent in Illinois, 10 percent in New Hampshire, 10 percent in Alaska, 20 percent in Arizona, and 30 percent in Indiana. I also marked Wisconsin as a state with a problematic incumbent, given Ron Johnson’s steeper-than-usual learning curve. One could make a case for including Mark Kirk in Illinois as well, but I ultimately opted not to consider him problematic (mostly because I had made a judgment call in the opposite direction with Johnson). I then ran the model with some different assumptions about where Obama’s job approval would likely be this fall. For example, let’s assume that the most likely outcome is that the president’s job approval will stay more or less around 45 percent, but acknowledge that it could be higher or lower. If we run 10,000 simulated races within these parameters, then the median outcome is no net change in the makeup of the Senate. Democrats win control of the Senate only about 5 percent of the time in this scenario.

### A2 Ayotte Win

1. Ayotte’ll lose now – she’s too extreme and unpopular from both sides. **Brooks 4/5**

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Outweighs on recency – 4 months newer

2. Turn - The plan is immensely politically popular and bipartisan – game over – **Jensen 15**

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A. Proves fiat solves the link – plan means congress votes on it but doesn’t require every senator since it’d still be popular with enough others

B. Even if she votes she’ll still be good

3.Non-unique – dems will win senate anyway. Rothenberg 16

Stuart Rothenberg. Mar 13, 2016 “Dem Senate Takeover Probable, If Cruz or Trump Nominee” http://www.rollcall.com/news/rothenblog/democratic-senate-takeover-moves-possible-probable#sthash.PXaeO4fG.dpuf

When this cycle began, every reputable analyst noted that the GOP faced a difficult challenge in trying to hold the Senate. The combination of presidential year turnout, more straight-ticket voting and the Senate seats up in 2016 conspired to work to the Democrats’ advantage.¶ Given what has happened inside the Republican Party over the past few months, it is difficult to believe that the party’s Senate prospects are as good as they once were, when most observers assumed the GOP would nominate a mainstream candidate.¶ At least five incumbent GOP senators from Democratic-leaning or competitive states were facing difficult re-election races this year even under the most favorable circumstances – Mark Kirk of Illinois, Ron Johnson of Wisconsin, Pat Toomey of Pennsylvania, Kelly Ayotte of New Hampshire and Rob Portman of Ohio. A Republican open seat in Florida also looked at great risk.¶ Add in the deep division within the Republican Party, and the possibility of Trump or Cruz leading the national GOP ticket, and all – or at least almost all – of those races suddenly look much more uphill. In addition, states like North Carolina, Indiana, Missouri and Arizona look more interesting.¶ The fight for the Senate obviously took on greater importance with the death of Supreme Court Justice Antonin Scalia. The GOP’s worsening position for November raises new questions of whether the Republican Senate should take up President Barack Obama’s Supreme Court nominee, when he makes that nomination, or risk dealing with a new Democratic president and a Democratic Senate majority in 2017.¶ -

### A2 CJS Politics DA

Won’t pass and is watered down. **Lind 4/28**

Dara Lind. “Criminal-justice reform in Congress has officially caved to a dangerous myth.” 4 April 28. Vox. http://www.vox.com/2016/2/9/10949310/criminal-justice-reform-bill. CC

Criminal justice reform in Congress was always a compromise — not just between Democrats and Republicans, but between legislators who believe the US needs to end mass incarceration and those who aren't so sure. **The question was** how far **the** **bill's** supporters could go in making **compromises** on compromises, to win over remaining skeptics, **without giving in to the** very **myths that made mass incarceration** so potent. **The** Senate's criminal justice **reform bill** — which passed out of committee last year, but was reintroduced with substantial changes on Thursday — **has tipped over into the latter**. **The bill is being changed to allow fewer people** convicted of violent crimes **to apply for release**. As a press release from Sen. Chuck Grassley (R-IA), the chair of the Senate Judiciary Committee, puts it: "The authors fine-tuned some provisions to ensure violent criminals do not benefit from reduced sentence opportunities established by the bill. **It now expressly** **excludes offenders convicted of any serious violent felony** from retroactive early release." In exchange, it's allowing more first-time, nonviolent drug offenders to get shorter sentences. The changes were an attempt to gain broader support from the bill among skeptics — it now has dozens of cosponsors in the Senate, and support from the National District Attorneys' Association. It does this by neutralizing the attacks opponents like Sen. Tom Cotton (R-AR) have been making; Cotton's been saying for months that the bill would result in the release of "thousands of violent felons." But **it's not clear that the bill will make it to the floor** in the short time left **before the end of this Congress** — **much less that the House and Senate will be able to agree on a reform bill.** Meanwhile, the futures of thousands of people might be at stake. And **the proposed changes** — modest though they might seem in the context of the legislative process — **reinforce** one of the myths of criminal justice that does the most damage to prospects of reform: **the idea that the US should only get more lenient toward "nonviolent" offenders**. **The changes would bar a few thousand prisoners from** chance at **early release** There are two broad trends in the changes made to the Senate bill: People convicted of violent crimes are less likely to get a chance to reduce their sentences. People convicted of drug crimes are more likely. Under current law, if you're a "career criminal" (a phrase that's defined so vaguely the Supreme Court struck down part of its definition in June), simply possessing a gun is a crime with a 15-year minimum sentence. As originally written, the Senate bill would have dropped that minimum down to 10 years — and allowed people currently imprisoned under it to apply for reductions in their sentences. Both of those reductions, for new and current prisoners, are now being cut out of the bill entirely. On the other hand, sentencing reductions for drug offenders are expanded. Drug prisoners are now eligible to get exempted from mandatory minimum sentences even if they have a prior misdemeanor or "minor" conviction, or if they were "minor players" in a larger drug "conspiracy." (Of course, even under the original bill, they weren't eligible for either of these "safety valves" if they engaged in any violence during their crimes.) Other reforms are being narrowed in some ways, but broadened in others. Reduction of a 20-year minimum sentence for drugs, for example, is now not an option to any prisoner who's ever been convicted of a "serious violent felony" — but it's newly available to people with prior drug convictions if those convictions happened a long time ago. The clearest evidence that the Senate's trying to split hairs between "violent" and "nonviolent" crime: Reforms for people who've been convicted of an extra sentence for possessing a firearm while committing a violent or drug trafficking crime. In the worst cases, this has resulted in first-time offenders like [Weldon Angelos](http://www.vox.com/2015/10/1/9434467/weldon-angelos-senate-bill), who was sentenced to 55 years in prison for having a gun on him during a marijuana bust. The Senate bill reduces the length of the minimum sentence and limits when it can be used — and allows current prisoners to apply for shorter sentences under the new laws. But under the reported changes, prisoners who'd been convicted of possessing a firearm during a violent crime would no longer have the chance even to apply for a shorter sentence. Only drug prisoners would. **Together, the changes mean** that **thousands of people will no longer get the chance to seek early releases** from prison. The United States Sentencing Commission [estimated](https://www.washingtonpost.com/news/fact-checker/wp/2016/02/08/sen-tom-cottons-claim-that-sentencing-reform-bill-would-release-thousands-of-violent-felons/) that 2,317 current prisoners would be eligible for shorter "career criminal" sentences and another 2,500 would be eligible for the extra firearm sentence — though some of those 2,500 will still be eligible. The expansions of some reforms to benefit drug offenders will probably allow people to apply for reduced sentences (or to get shorter sentences in the future) who wouldn't have been able to. But the real significance of the changes is **what they say about the politics of sentencing reform**. And what they say **is nothing good. The move would kill the best** and boldest **parts of** criminal justice **reform** **You** simply **can't fix mass incarceration** in America **if you're unwilling to shorten** the **prison sentences of anyone** who could be considered a "violent" criminal. That's especially true in state prisons, where the vast majority of US prisoners are held and where half of them are serving sentences for violent crimes. When politicians talk about criminal justice reform, they tend to leave out this inconvenient fact. They prefer to talk about "nonviolent drug offenders" — even when they're talking about state prisoners. The original Senate bill went beyond this. It didn't do anything too risky — the laws it proposed to change around firearms and "career criminals" are so bad that federal judges routinely complain about them. But on an issue where states have usually led and the federal government has followed, the original Senate bill could have made a statement that states needed to dig deeper and reform sentencing for "violent offenders." Instead, **it's sending the message that helping violent offenders is politically radioactive.** This doesn't satisfy people who are worried about "violent" criminals anyway **There's no indication that making these changes will allow the** **Senate and House to pass** sentencing **reform** bills. There are similarities between the **House and Senate bills** that have been introduced so far, but they'd **still need to go through a conference to combine them. Key House members have already rejected the Senate's approach**, and are **instead** slowly **rolling out their own** criminal justice reform **bills**. Republicans in both chambers are engaged in a standoff with the Obama administration over a proposal to change criminal intent standards, which would mostly help people accused of "white collar" regulatory crimes. And **no one wants to pass major laws on the eve of a presidential election.** Senate Majority Leader Mitch McConnell is reportedly undecided **on whether to bring** criminal justice **reform** **to the floor** of the Senate for a vote. The reintroduction of the bill on Thursday appeared to be an attempt to persuade him to do it — by showing that the bill was now uncontroversial enough to get lots of Senators on board, and that the main criticism of the bill's main critic (Sen. Cotton) had been neutralized. Except that Cotton admits he thinks there's more to a "violent" offender than just being convicted of a violent crime. This isn't as illogical as it sounds. By some estimates, as many as half of federal drug prisoners don't count as "low-level, nonviolent" drug offenders. Many government officials, including some of the senators who worked on sentencing reform, think that "nonviolent" should exclude inmates whose crimes involved a weapon — which often just means they had weapons on them when arrested. But the Senate bill, even with the new changes, would still reduce minimum sentences for drug offenders who had a gun on them but never used it. More importantly, though, [prosecutors emphasize](http://www.naausa.org/2013/images/docs/Dangerous-Myths-of-Drug-Sentencing-Reform.pdf) that many drug offenders are in prison for drug trafficking — which they consider "inherently violent." And Tom Cotton appears to be squarely in this camp. His spokesperson [told the Washington Post](https://www.washingtonpost.com/news/fact-checker/wp/2016/02/08/sen-tom-cottons-claim-that-sentencing-reform-bill-would-release-thousands-of-violent-felons/) in February: It is naive to think that dealing cocaine and taking part in its import and distribution is ‘nonviolent,' That’s a fantasy created by the bill’s supporters and no serious federal law enforcement expert would agree with it. If you believe that every drug dealer is violent, then you're not going to get on board with a bill reducing mandatory minimum sentences for drug crimes. You're not going to get on board with a bill that allows some drug offenders currently in prison to take classes and get jobs in exchange for "good time" credits. In short, you're not going to support the Senate bill, because that's what the Senate bill does. Maybe these are the changes that will get McConnell to bring sentencing reform to the floor. Maybe they'll provide the momentum for the House to move faster with its own bills. But that's not at all certain. It's not nearly as certain as what's been given up.

**Turn -** the plan is immensely bipartisan and unifying. **Jensen 15**

Tom Jensen. Public Policy Polling. “82% of Americans Support Preventing Domestic Abusers From Buying Guns” July 22, 2015. CC

Public Policy Polling surveyed 636 registered voters on June 19th and 20th on behalf of the Center for American Progress Action Fund. The survey’s margin of error is +/-3.9%.

A new Public Policy Polling survey finds that 82% of Americans would support legislation prohibiting anyone convicted of stalking or domestic abuse against a dating partner from buying a gun. Only 11% are opposed to such a bill. What is particularly striking is the broad support across all demographic lines for keeping guns out of these people’s hands. Key findings from the survey include: -There’s a broad bipartisan consensus in support of this change to the law. Democrats support it 92/3, independents do 82/10, and Republicans do by a 68/23 spread. It is very hard to find any policy proposal that more than two thirds of both Democrats and Republicans support these days. -Gun owners have no problem with this bill- in fact they strongly support it. 80% of gun owners think it’s a good idea, compared to only 12% who are opposed to it. Those numbers are little different from the 87/7 support it has with non-gun owners. -There’s also an overwhelming mandate for this legislation across gender lines. Women are particularly supportive of it, with 87% favoring it to only 6% who are opposed. But attitudes among men aren’t much different- 77% of them are in support with only 16% against. -Greater than 80% support for the proposal exists across all racial groups. Hispanics (92/6) and African Americans (89/1) both give it near unanimous support, with whites (80/13) overwhelmingly in favor as well. In this era of divisive politics, there is little that 82% of Americans agree about. But prohibiting people convicted of stalking or domestic abuse against a dating partner is something that brings every segment of the electorate together. This would be a unifying and popular law to pass.

Zika, CJS, appropriations all thump. **Steinhauer 4/29**

Jennifer Steinhauer, "Another Chance for Bipartisan Achievement Slips Away," New York Times, http://www.nytimes.com/2016/04/30/us/politics/another-chance-for-bipartisan-achievement-slips-away.html?\_r=0, April 29, 2016. CC

Republicans, rather than rallying with joy around a nominee on the rise, this week settled into a bit of a hate dance with Donald J. Trump, in a bizarre bunny-hop of new endorsements, feeble thumbs up and continued denial and rage. Distrust between Congress and Mr. Obama — at times involving even the president’s own party — and a Republican allergy to almost any increased federal spending have combined into a contentious brew that led this week to the unraveling of a basic appropriations bill, an unsettled fight over funding to combat the Zika virus and a dim horizon for once-promising items like an overhaul of criminal justice laws. Other bills that left the committee on a wave of bipartisan bliss have been parked outside the House and Senate floors, and many judicial nominations are stalled. Republicans say it is Mr. Obama’s fault, for being too far from them on every policy issue, and using executive orders and regulations over legislative wooing to get to achieve his ends. “This is my third president I’ve served with,” Speaker Paul D. Ryan said on Thursday. “I’d say this is the most ideological president I’ve ever served with. He’s very dogmatic in pursuit of his ideology, and therefore I don’t see a bridging of the gap because of the nature of this presidency.” Democrats blame the far right of the Republican Party, which they say has dictated the terms of congressional action, and more often, inaction, for years. That in turn pushes Democrats farther from the compromise mode. “The forces in our politics are pushing things to the extreme,” said Senator Chuck Schumer, Democrat of New York who stood with several of his colleagues on Thursday to deride Republicans over their own to-do list of legislation and confirmations left waiting. “The old forces that once brought things together are now pulling them apart. On both sides, but mostly on their side.” It has not always been this way. President Harry S. Truman’s National Security Act of 1947 was forged with a Republican Congress before the brutal campaign of 1948. Ronald Reagan achieved major Social Security amendments and a rewrite of the tax code in 1986. President Clinton reached a landmark agreement with the Republican Congress to dismantle the New Deal-era federal welfare program in 1996, his re-election year. “There was partisanship but always more possibilities for deals since factions in each party had incentives for working across the aisle,” said Julian E. Zelizer, a professor of history and public affairs at Princeton University. “That has changed.” He added, “The entire political process in the current age — especially with the 24-hour media — in my mind makes legislative negotiation almost impossible. Deals are reported before legislators even know about them, which gives activists and interest groups time to mobilize and kill them.” It may not help that the last end-of-a-term spark of bipartisanship, under George W. Bush during the financial crisis, produced the Troubled Asset Relief Program, or TARP, the Wall Street bank bailout now proved to be a political disaster and that helped beget the Tea Party and the deepening partisan divide. Some things are simply more complicated than they appear, or that partisan talking points capture. For instance, Democrats this week twice filibustered a basic energy and water appropriations bill — one that was chosen because it seemed so easy to pass — because of an amendment, offered by Senator Tom Cotton, Republican of Arkansas, that would bar the United States from purchasing water used in producing nuclear energy and nuclear weapons from Iran, arguing that it was a poison pill that would trigger a White House veto. True. What they did not say is that the reason it would trigger that veto is because it would most likely pass, with the help of Democrats who are wary of Iran. Republicans say they will not offer an additional $1.9 billion to fight the Zika virus because the White House has not explained how it will spend the money; “explaining” being open to interpretation since the administration provided a lengthy memo on just that. What Republicans are not saying is that they fully intend to release the money, just not as the appropriations process begins because they do not wish to further inflame spending issues with their colleagues in the House, who have their own internal struggles with passing a budget and appropriations measures.

TPP Thumps PC. **Baker 4/25**

BAKER 4/25 (Dean; Co-Director – Center for Economic and Policy Research, “Trading games in Washington,” http://www.hani.co.kr/arti/english\_edition/e\_editorial/741116.html)

The Obama administration is beginning its big push to get Congress to approve the Trans-Pacific Partnership (TPP). As is standard practice in debates over trade policy in Washington, this means that the rules of logic and economics are thrown out the door. The administration and its allies are prepared to do whatever is necessary to get the TPP approved by Congress. First of all, there is an interesting point to be made about the timing of any congressional vote. The president must formally submit the trade pact at least 90 days before Congress brings it to a vote. At this point, the 90 day requirement would mean that a vote could not take place until at least the middle of the summer. That is likely too close to the fall elections for many members of Congress to avoid losing votes in the election if they support the deal. The conventional wisdom is that if the TPP comes to a vote before President Obama leaves office, it will be in a lame duck session after the November election. This will allow many members of Congress to vote for an unpopular trade pact and hope that people will have forgotten by the time they next have to face the voters.

Won’t Pass – McConnell will block. **Hunter 4/27**

HUNTER 4/27 (Dee; Urban News Service, “Criminal justice reform snagged in campaign politics,” http://www.districtchronicles.com/news/view.php/1020109/Criminal-justice-reform-snagged-in-campa)

Planned reforms to federal drug and sentencing laws that imprisoned many African Americans have become locked up by election-year politics. “The cost of incarceration and a growing awareness of the problems with mandatory minimum sentences have created a diverse coalition calling for reforms,” said Kevin Ring, of Families Against Mandatory Minimums. Reform supporters span civil rights advocates, law enforcement organizations, numerous federal judges, conservative groups and even Republican stalwarts, the Koch Brothers. Eighty percent of American voters support ending mandatory minimum sentences for drug offenses, according to a February Pew Charitable Trusts poll. President Obama has made this issue a priority. He issued an executive order in January to prohibit solitary confinement of juveniles. He discussed criminal justice reform in his latest State of the Union address, and pardoned 95 federal inmates at Christmas and 61 more in March. He also became the first president to visit a federal prison. Several relevant bills enjoy broad bipartisan support in Congress. The Senate Judiciary Committee approved the Sentencing Reform and Corrections Act of 2015 by a 15-5 vote last October. Judiciary Chairman Chuck Grassley (R-Iowa) introduced this legislation, which has 28 Senate co-sponsors. “Our sentencing bill is a compromise that shows that senators from both sides of the aisle can come together to address a serious problem in a reasonable and responsible way,” said Grassley. Traditional crime fighters and criminal justice reformers debate whether drug offenders are violent. Thirty-five percent of drug offenders in federal prison had minimal criminal histories and no previous imprisonment, according to the Bureau of Justice Statistics. However, BJS also reports that 25 percent of drug offenders also used weapons in their most recent offenses. Sen. Ted Cruz (R-Texas) voted against the bill. As amended, it provides “leniency for violent criminals who use guns and gives lighter sentences to criminals already serving time,” he said before the Judiciary Committee. “That claim is false and does not factually line up with the reality of who is behind bars in our federal prisons,” said Sen. Cory Booker (D-New Jersey) in response to critics who say the bill would free violent criminals. “Each case must also go before a federal judge, with the prosecutor present for an independent judicial review.” Grassley’s measure addresses several stringent sentencing provisions that have helped swell the federal prison population over the past 30 years. It would repeal the “three strikes” law that requires a mandatory life sentence without parole for anyone with a third conviction on drug or violent-felony charges. Instead, the bill creates a mandatory 25-year sentence. This legislation retroactively applies a 2010 sentencing-reform provision that reduced the disparity between crack and powder cocaine penalties. This change alone would let about 6,500 prisoners petition the courts for release or reduced sentences. Grassley’s bill also includes juvenile justice reforms and language to help former prisoners transition back into society. Senate Majority Leader Mitch McConnell (R-Kentucky), facing pressure from tough-on-crime Republicans, has not said whether he will allow a vote on Grassley’s proposal. “Our system of justice is not broken,” former U.S. attorney general John Ashcroft wrote last month in a letter to McConnell, signed by 40 high-ranking former law enforcement officials. “Mandatory minimums have caused a dramatic reduction in crime.” Reform advocates do not consider Grassley’s legislation the major overhaul of mandatory minimum sentences for which they long have fought, saying his bill does not go far enough. “It’s a Goldilocks reform bill. It’s not too much. It’s not too little. But it’s better than nothing,” said Nkechi Taifa of the Open Society Policy Center. “There was a time when this looked like a slam dunk … It was the right issue at the right time. Now it is not so clear.” This bill only applies to the federal justice system, where about 200,000 inmates are held. This is just 8 percent of the 2.5 million Americans confined to state prisons and local jails. Still, reformers sound as impatient as ever. “All there has been is talk, and more talk,” said civil rights leader Barbara Arwine. “Action is long overdue. Mass incarceration threatens many of the gains we fought for in the civil rights movement. It’s time for a vote.

It’s not intrinsic – logical policy would do both since they’d recognize the bad effects of not passing CJS reform

Forcing controversial fights key to Obama’s agenda. **Dickerson 13**

(John, Slate, Go for the Throat!, www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. He has abandoned that. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift.

### A2 Elections Politics DA

Trump has no chance of winning. **Glueck 4/29**

Katie Glueck, Insiders: Clinton would crush Trump in November, POLITICO, 4/29/16. NS

\*\*Brackets in original

In the swing states that matter most in the presidential race, Donald Trump doesn’t have a prayer against Hillary Clinton in the general election. That’s according to top operatives, strategists and activists in 10 battleground states who participated in this week’s POLITICO Caucus. Nearly 90 percent of them said Clinton would defeat Trump in their home states in a November match-up. Story Continued Below Republicans are only slightly more bullish on Trump’s prospects than Democrats: More than three-quarters of GOP insiders expect Clinton to best the Republican front-runner in a general-election contest in their respective states. Among Democrats, the belief is nearly universal: 99 percent of surveyed said will Clinton will beat Trump. In three of the biggest swing states—Ohio, Pennsylvania and Florida—Republicans were particularly downbeat about the prospect of a Trump-Clinton contest. “There is positively no way for Trump to win in Pennsylvania,” said a Republican from that state. “Trump cannot and will not carry Ohio,” a Republican from that state insisted. “He will do well in Appalachia and in the Mahoning Valley but he will get killed in the rest of the state. The danger for the GOP is losing Rob Portman which is a very real possibility under this match-up.” Added a Florida Republican, who like all participants was granted anonymity in order to speak freely, “Trump is grinding the GOP to a stub. He couldn't find enough xenophobic, angry white Floridians to beat Hillary in Florida if he tried.” “I not only think [Hillary] will win Florida in November if Trump is the nominee, I think she'll win 30+ states,” said another Florida Republican. These comments follow two weeks of victories for Trump, who notched a major win in New York before going on to sweep the mid-Atlantic states on Tuesday. Looking ahead to the general election, Republican insiders fretted that if Trump is at the top of the ticket, he will not only lose in a landslide, but will also endanger Republicans on the rest of the ballot. “NH is potentially a swing state but Hillary would win in a rout with profound down ballot consequences,” wrote one New Hampshire Republican. Said a Virginia Republican, “Virginia has shifted to be more suburban than rural. While a Trump candidacy will gin up turnout in the Shenandoah Valley and Southwest, Trump will get killed in the suburbs of the urban crescent. Time to focus on Congressional races and 2017.” Several Democrats said Trump would so motivate Democratic turnout that they envisioned clear-cut pick-up opportunities across the ballot. “In a Trump/Clinton matchup, Hillary will win Florida by no less than 5 points and will help the Democrats pick up a Senate seat, a couple of House districts, and a significant number of state legislative seats,” said one Florida Democrat. Added a North Carolina Democrat, “Hillary Clinton will put North Carolina back in the blue column. She will also have long coattails in North Carolina, helping Roy Cooper take back the Governor's Mansion and in quite possibly the biggest upset this cycle, help Deborah Ross defeat Senator Richard Burr.” Plenty of Democrats predicted a landslide victory over Trump in November. “This will be a near historic blow out, 20% at least,” a New Hampshire Democrat said. “Trump will win some redneck cow counties, but Hillary will crush him in the urban areas of Las Vegas and Reno,” a Nevada Democrat predicted. “Unless we throw up on ourselves, this is a no brainer,” a Wisconsin Democrat added. But, some noted, Clinton faces her own challenges, from high unfavorable ratings to the question of whether Democrats currently supporting Bernie Sanders, her Democratic primary opponent, will turn out for her should she win the nomination, as she looks poised to do. “I think it has become clear that his message resonates with voters on both sides,” said one Florida Republican who expects Trump to beat Clinton in that state if they both capture their parties’ nominations. “He is less of a politician, Hillary is clearly a politician, all you have to do is watch her nod her head and pick the right expression to use.” People on both sides of the aisle also said that Trump has demonstrated some ability to appeal to white working-class voters who might not otherwise vote Republican. “Could be close if Trump starts to act normal,” a Pennsylvania Democrat said. But the vast majority of Democrats and Republicans alike expect the math to work out in Clinton’s favor. “Trump's crossover appeal provides some challenges,” a Colorado Democrat said. “But for every working class white male Hillary loses she'll pick up three suburban Republican women; and neither group may reveal that to pollsters.”

Turn - The plan is immensely politically popular and bipartisan among the electorate. **Jensen 15**

Tom Jensen. Public Policy Polling. “82% of Americans Support Preventing Domestic Abusers From Buying Guns” July 22, 2015. CC

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Trump won’t get any of his dangerous policies passed. **Cooper 3/16**

Matthew Cooper, WHAT IF DONALD TRUMP BECOMES PRESIDENT?, Newsweek, 3/16/16. NS

All of which is nuts. Trump isn’t Hitler. He isn’t a fascist either—although he has, despite a career of deal-making, the my-way-or-the-highway proclivities of a Latin American strongman, which would be worrisome if America were Bolivia and not an enduring democracy. (Trump was the inspiration, by the way, for the Back to the Future bully, Biff Tannen.) He’s also not a savior. Due to his solipsistic personality and vague, unworkable policies, he could never be what he promises to be if elected. But that doesn’t make him the sum of all fears. The unspectacular truth is that a Trump presidency would probably be marked by the quotidian work of so many other presidents—trying to sell Congress and the public on proposals while fighting off not only a culture of protest but also the usual swarm of lobbyists who kill any interesting idea with ads and donations. Trump has a rarefied confidence in his abilities and, as we recently learned, in his, um, manhood. But what he doesn’t have is a magic wand (insert wand-penis joke here). Remember Schoolhouse Rock? Trump is no match for the American political system, with its three branches of government. The president, as famed political scientist Richard Neustadt once said, has to take an inherently weak position and use the powers of persuasion to get others to do what he wants. Could Trump blow up those legendary checks and balances and make America a fascist state? Oh, please. The fear of fascism in the U.S. goes back to the ’30s and echoes debates that have gone on since Thomas Jefferson charged Alexander Hamilton with being a monarchist. Sinclair Lewis’s 1935 novel, It Can’t Happen Here, was a heavy-handed warning about a folksy fascist seizing the presidency. In Philip Roth’s much better work from 2004, The Plot Against America, a Nazi-appeasing Charles Lindbergh wrestles the presidency from Franklin Roosevelt in 1940 and keeps the U.S. from aiding Britain, which foments a Nazi victory in Europe and less-than-pleasant times for American Jewry. But that’s fiction. Trump’s more likely to end up like Jimmy Carter—a poor craftsman of legislation and a crushing disappointment to his supporters. Since World War II, only Dwight Eisenhower, Ronald Reagan, George H.W. Bush and Bill Clinton have left office with high approval numbers. Presidents generally end their tenure not with a bullet in a bunker but with a whimper. Style is one thing a president can bring to the office, and Trump’s would have plenty of bling to go along with his braggadocio press conferences and endless tweets. Could he paint the White House gold? He’d have to pay for it himself, but it seems possible. Hell, if he wanted to live at his Old Post Office hotel, there’s nothing to stop him. Trump could even have the colors of Air Force One redone. Jackie Kennedy did that, using a light blue reminiscent of the sky and even the robin’s egg shade of Tiffany & Co. boxes. Nancy Reagan purchased expensive china while embarking on an anti-drug crusade. No word yet on what Melania Trump’s cause will be. But to actually accomplish even modest legislative goals, let alone become a 21st-century führer, is beyond the mogul’s ken. Philosopher Leo Strauss coined the term reductio ad Hitlerum, the common tendency to reduce all arguments to Hitler, or to always see an action leading to Nazism. In its more extreme forms, you get statements like “You-know-who was also a vegetarian.” Trump’s displays of bigotry during the primary, most notably his call for a “total and complete shutdown” on Muslims entering the U.S., are abhorrent, but they don’t put the America on a fast track toward the Third Reich—not unless you believe Congress, business, the armed forces, the judiciary and so on are all willing to start setting up internment camps. The U.S., with its unemployment rate of less than 5 percent and minuscule inflation, is a country where retirees try to get better yield, not the hyperinflation Weimar Republic that gave birth to Hitler. Fascism, with its totalitarian control of society and the economy—“Nazi” was short for National Socialists—doesn’t describe Trump’s views, even if former Maryland Governor Martin O’Malley and Michael Gerson, a former speechwriter for George W. Bush, throw around the term fascist when bad-mouthing the billionaire. So if he’s not going to be Hitler, what would a Trump presidency be like? Judge him by his words. Leave aside the issue of whether anyone could actually build a wall of that magnitude, which is a big if. (Trump says natural barriers between the U.S. and Mexico mean that we’re talking about only 1,000 miles of wall.) Also leave aside that there is no net in-migration from Mexico at the moment. The remaining questions are myriad:

Obama’s approval low now. **Malcolm 2/5**

MALCOLM 2/5 (Andrew; Investor’s Business Daily, “As Hillary and Bernie hail Obama, he’s decimated their party nationally,” <http://www.investors.com/politics/andrew-malcolm/hillary-clinton-bernie-sanders-obama-decimates-democrats/>)

The two current contenders for this year’s Democratic presidential nomination are running to the left as fast as they can to out-Obama Obama. That’s great news for the eight surviving Republicans competing for the GOP nod come July. The reason: Barack Obama’s White House reign has been an unmitigated political disaster for his Democrats across the country. They won’t admit it. And it’s better for the GOP if they don’t. Of course, Obama continues boasting of great achievements such as ObamaCare. And both Bernie Sanders and Hillary Clinton proclaim they want even more progressive policies. “A progressive,” Clinton said in Thursday night’s debate, “is someone who makes progress.” We described their unfolding political disaster here. Now, the Gallup Poll provides updated documentation, showing a dramatic decline in the number of blue states and an even more dramatic shift toward red states heading into the national election Nov. 8, just 277 days away. Here’s how bold the change is: 2008 was the recent peak of Democrat power. President Bush was leaving the White House with very low approval ratings. And Barack Obama was entering the Oval Office high on hope and approval for his change agenda. At that time Gallup’s survey found 35 states identifying solidly Democrat or leaning there. Only five states were solidly Republican or leaning that way. Red states now dominate In its new poll as Obama nears the end of his regime, Gallup reports his party has gone from a 30-state lead in allegiance to a six-state deficit. The strongest Republican states are Wyoming, Idaho and Utah. Strongest Democrat states are Hawaii and Vermont. True, the All-About-Me President won two national elections, although in the second he lost almost five million votes. But today, among other losses, only 14 states are considered solidly Democratic. While 20 are solidly or leaning Republican. It’s the first time Gallup found the GOP in the lead. It’s significant because while Americans continue to self-identify more as Democrats (43%), during the Obama years they’ve been increasingly choosing to entrust close-to-home governments to Republicans (40%). And this shift is also reflected at virtually all levels of government: Democrats controlled both houses of Congress when Barack Hussein Obama first took the oath. Today, they control neither. Fueled by an anemic economic recovery, disastrous foreign policy defeats and embarrassments and rising fears of terrorism at home, among other concerns, Democrats have lost 14 U.S. Senate seats. They’ve surrendered 69 House seats. Barring sudden drastic changes in voting patterns, Republicans look to hold the House for years to come. Perhaps most importantly, with little national attention, Democrats have given up more than 900 state legislative seats. Money didn’t buy success Despite more than 400 Obama fundraisers, Democrats have lost 12 governorships under him, down to 17 today. The 50 states are now governed by 32 Republican governors. And in nearly 20 of those, voters have awarded the GOP control of both houses of the state legislature. Those local political offices are doubly important. One, they enabled Republicans to control and favorably redraw legislative districts according to the 2010 census. The shape of those districts will stand now until at least 2020. And those state offices serve as the farm-team experiences for future office-holders at higher levels, governor and beyond. Obama started as a state senator. Sen. Sanders began as a mayor, then House member. Marco Rubio began in the Florida House and became its speaker before upsetting an established governor for the U.S. Senate. Such offices provide a steady infusion of younger, more experienced talent for the bigger leagues of party politics. As we wrote here the other day, the average age of remaining Republican presidential candidates is 57. The average age of the two surviving Democrat candidates is 71. If you add Vice President Joe Biden as a potential campaign savior, it’s almost 72. Quite a visible contrast come fall when one from each party meet on a debate stage.

Economy, energy policy, climate change all thump elections

Ben Casselman, 15, (Ben Casselman is FiveThirtyEight’s chief economics writer. Christie Aschwanden is FiveThirtyEight’s lead writer for science. Carl Bialik is FiveThirtyEight’s lead writer for news. Anna Maria Barry-Jester reports on public health, food and culture for FiveThirtyEight. Farai Chideya is a senior writer for FiveThirtyEight. Hayley Munguia is FiveThirtyEight’s social media editor and a data reporter. Leah Libresco is FiveThirtyEight’s news writer., 11-19-2015,"The Big Issues Of The 2016 Campaign," FiveThirtyEight, http://fivethirtyeight.com/features/year-ahead-project/) 1-25-2016

After two straight elections dominated by economic issues, 2016 is shaping up to be … another election dominated by economic issues. In polls, voters consistently rank the economy as their top concern, and candidates from Jeb Bush to Bernie Sanders have put dollars and cents at the center of their campaigns. But far from offering a clear advantage to one party, the economy offers risks and opportunities for all the candidates. Unless things change significantly in the next 12 months, the economy is neither good enough nor bad enough to provide either side with a completely clean narrative. casselman-year-ahead On the one hand, the economy has improved dramatically under President Obama. The unemployment rate has fallen to 5 percent, from 7.8 percent when Obama took office in 2009 and a high of 10 percent that same year, and job growth has been consistently strong. Corporate profits and financial markets have both rebounded strongly from their recession-era lows, and overall economic output has been resilient in the face of challenges domestic and foreign. All of that should work to the advantage of the party that has controlled the White House for the past eight years. But Democrats haven’t seemed eager to embrace Obama’s legacy. Sanders takes every opportunity to rail against an economy that benefits primarily “millionaires and billionaires.” And though Hillary Clinton is more measured, she has sounded similar notes; in a major economic speech over the summer, she said the economy “still isn’t delivering” for ordinary Americans. There’s no mystery about why Democrats are being cautious. Americans remain uneasy about the economy, even if they have become more sanguine in recent years. In a recent Wall Street Journal poll, just 47 percent of Democrats — and only 4 percent of Republicans — reported being “cautiously optimistic” about the economy. That dissatisfaction is driven by a harsh reality: Six-plus years after the recession officially ended, there has been no meaningful recovery in household income. Republicans clearly see an opening. At last month’s CNBC debate, which focused on economic issues, candidate after candidate blamed Obama and the Democrats for stagnant wages, persistent inequality and lackluster economic growth. Marco Rubio said the American dream is “slipping away.” John Kasich promised to “get this economy moving again.” And Bush, who has based his campaign in part on a pledge to return the country to 4 percent annual growth, asked viewers to “imagine a country where people are lifted out of poverty again.” But Republicans face their own delicate dance. The middle class didn’t exactly thrive under the last Republican president; median household income rose sharply in the 1990s but was stagnant in the 2000s, when George W. Bush was in office. Then there’s the small matter of the financial crisis, which struck on Bush’s watch and sparked the worst recession since the Great Depression. Bush doesn’t necessarily deserve much blame for the economic collapse, but Democrats haven’t been shy about reminding voters who was in office when it happened. All of this presumes that the economy on Election Day next year will resemble the one we see today, but that’s far from a safe assumption. In November 2007, many pundits expected the upcoming presidential campaign to focus on security and international issues. The Great Recession began one month later. Environment and Science Environment and Science By CHRISTIE ASCHWANDEN Climate change is one of the most partisan issues in the presidential race, and it’s one that will continue to make news in the coming election cycle. This year’s United Nations climate talks, which get underway in Paris at the end of this month, aim to produce a binding agreement that would get the world closer to preventing temperatures from rising more than 2 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels, beyond which global warming is likely to become catastrophic. The plan submitted to the U.N. by the Obama administration pledges to reduce U.S. emissions by 26 to 28 percent from 2005 levels, a target that would be achieved mostly through administrative actions. Those actions have received intense criticisms from Republicans and are the subject of lawsuits from industry groups and some states, particularly in coal country. Although Hillary Clinton and Bernie Sanders — who are running for the Democratic presidential nomination — argue about which of them is doing enough to fight climate change, the leading Republican presidential candidates dispute the scientific consensus that global warming is driven by human activities. (Jeb Bush and Marco Rubio acknowledge that warming is happening but question the extent to which it’s human-caused.) Rubio and Ted Cruz have both signed the “no climate tax pledge” promoted by Americans for Prosperity, a conservative advocacy group founded by the Koch brothers, vowing to oppose any climate change legislation that includes a net increase in government revenue. Energy policy also will be hotly debated in 2016. President Obama’s recent decision to reject the Keystone XL pipeline is already a significant issue in the presidential race, becoming a proxy for the argument about whether jobs are more important than environmental concerns. (Even though the project’s effect on jobs and the environment is probably overstated.) Clinton and Sanders opposed the pipeline, while most of the Republican candidates supported it. Other energy issues that could make an appearance in the campaigns include Environmental Protection Agency regulations on power plant emissions, fracking regulations, tax credits and subsidies for renewable energy, drilling in the Arctic and carbon taxes. After years of cutbacks, federal spending on science is at its lowest percentage of the budget since World War II, according to a recent MIT report. The two-year budget deal just approved by Congress and Obama is likely to increase science spending, particularly for the National Institutes of Health (NIH), the National Science Foundation and the Department of Energy’s Office of Science. That deal was opposed by virtually all the GOP presidential candidates and supported by the Democrats. Final details on how the budget will be allocated await negotiation, but a proposal by Senate appropriators this year would give a $2 billion boost to the NIH, which the American Association for the Advancement of Science says would represent the largest single-year increase in a decade. Criminal Justice Criminal Justice By CARL BIALIK The two major parties have been having mostly separate conversations about criminal justice. But as mass shootings continue, as well as debates about incarceration, crime and violence committed by police officers, those conversations could converge. bialik-yearout-guns Already there is some common ground between the Democratic candidates and several Republican contenders. For instance, both Bernie Sanders, who is seeking the Democratic nomination, and Republican Rand Paul, a libertarian, support demilitarizing police departments. Democrat Hillary Clinton has called for “ending the era of mass incarceration,” while Republican John Kasich has called for the end of imprisonment for people with mental illnesses and rehab for prisoners addicted to drugs. Republican Ben Carson, Clinton and Sanders all praise the use of body cameras to record police interactions with civilians — although they don’t all agree on how to pay for them. And both Martin O’Malley, a Democrat, and Chris Christie, a Republican, back so-called “ban the box” provisions that would prevent employers from initially asking job candidates about their criminal histories. The common ground disappears on the subject of guns. Expect the two eventual nominees to spar on the issue, which divides voters by party and should provide them with one of the clearest contrasts between candidates next November. On their websites, most of the Republican candidates assert their support for Second Amendment rights.1 They tout top grades from the National Rifle Association, oppose reinstatement of the assault-weapons ban and defend the right to carry concealed firearms. (Jeb Bush’s website is a notable exception, with no section on guns, although he received an A+ from the NRA when he was governor of Florida.) Democratic candidates support more gun control — and disagree among themselves about how much. Sanders doesn’t mention guns in his online platform, and opponents attacked him at the Oct. 13 debate for being soft on guns. Front-runner Clinton says she will expand background checks and make it harder to buy guns online and at gun shows. O’Malley calls for a national firearms registry and a minimum age of 21 for handgun ownership. Without a significant change in sentiment or membership in Congress, it’s unlikely that Clinton or O’Malley could, if elected, enact gun-control legislation. As Clinton says on her website, efforts to expand background checks failed after the 2013 school shooting in Sandy Hook, Connecticut, “but Hillary is not giving up — she will continue to fight for legislation.” Just a few candidates mention other criminal-justice issues that have been and will continue to be debated outside of the presidential race. Sanders and O’Malley have joined the calls of Eric Holder, when he was still the attorney general, and FBI Director James B. Comey for better government data on the number of people killed by police officers. Sanders and Clinton use the phrase “black lives matter” to reference the goals of the Black Lives Matter movement to focus attention on the victims of police violence who are black, after earlier struggles to connect with the movement. Among Republicans, Paul has said many African-Americans are “trapped” in the war on drugs but criticized the name Black Lives Matter. Comey, meanwhile, recently joined some city police chiefs in claiming that increased scrutiny from advocates and the public after police killings has chilled law enforcement, a theory with little evidence that Christie supported during and after the Oct. 28 Republican debate. O’Malley also wants to end the sentencing disparity between offenses involving powder cocaine and crack cocaine, which was reduced in 2010 but advocates say is still too large. Clinton pledges to fight campus sexual assault, which other candidates don’t mention in their platforms but is a widespread problem receiving increasing attention. Health Care Health Care By ANNA MARIA BARRY-JESTER The soaring price of drugs — the legal kind — has moved into the headlines and the 2016 presidential race. Pharmaceutical companies are under fire for jacking up prices for new and generic drugs. Medicare spent $4.6 billion during the first half of 2015 on expensive drugs to treat hepatitis C, and new treatments for high cholesterol are so expensive that people are debating whether the value is worth the price. Poll after poll shows that high drug prices are the leading health care concern in the United States. Recent polls have found that the majority of people think pharmaceutical companies are to blame and that the government should negotiate prices for Medicare and force companies to release pricing information. Bernie Sanders has said he’ll do both of these things (and also import drugs from Canada). Hillary Clinton, his opponent for the Democratic nomination, said she would require insurance plans to put a $250 monthly cap on out-of-pocket drug spending for people with chronic or serious conditions, and increase competition for specialty drugs. (In a recent debate, both candidates named drug companies as among the enemies they are most proud to have.) Republican Marco Rubio has said some drug companies have engaged in “pure profiteering,” and Donald Trump said it was “disgusting” that one company wanted to raise the price on an AIDS drug by 5,000 percent. A few other Republicans have called for reduced regulation during debates. Nonetheless, don’t necessarily expect concrete plans on how to reduce drug prices from most of the candidates, particularly Republicans. Although polling says everyone is worried about the issue, there are few concrete policy solutions to rally around or divide people politically. That makes it a net benefit for politicians to express concern about the issue, whether or not they have a plan for how to fix it. Calls to restructure Medicare, the national insurance program for people over 65, will also turn up in the primaries and beyond, though with Republican candidates largely divided on the topic, the tone of that debate will depend on who gets the party nomination. Jeb Bush and Rubio have embraced plans similar to new House Speaker Paul Ryan’s longtime push to end the current program (he would instead dole out a lump sum to the elderly to buy private insurance or traditional fee-for-service Medicare). Trump has said he’ll leave the program alone, and Chris Christie wants to raise the age of eligibility and charge higher premiums to wealthy seniors. The program’s costs are rising and are projected to nearly double by 2025.2 barry-jester-yearout-health Medicaid, the public insurance program for poor people and people with disabilities, is even more polarizing. Democrats want to expand the program, and many Republicans call for reducing and privatizing it (though Govs. John Kasich of Ohio and Christie of New Jersey expanded Medicaid in their states under the Affordable Care Act). Since we’re a year out from the election, new health care topics will probably arise, but one has already been mentioned with frequency: Obamacare. All of the Republican candidates say they will repeal the law, while the Democratic candidates pledge to uphold it. Clinton and Sanders have talked about repealing the so-called Cadillac tax (the rare issue enjoying bipartisan support), however, which would tax the most generous employer-sponsored health insurance plans starting in 2018. Privacy and Data Security Privacy and Data Security By FARAI CHIDEYA The federal government’s surveillance of data — particularly the widespread harvesting of cellphone metadata of American citizens and people around the world — is a rare issue that doesn’t fall neatly along party lines. Those candidates who favor more privacy and less snooping include Bernie Sanders, who is seeking the Democratic nomination, and Republicans Rand Paul and Ted Cruz. “The National Security Agency’s data collection program went too far in collecting the phone records of Americans,” Cruz has said. Republicans Marco Rubio and Jeb Bush, on the other hand, argue that surveillance produces greater security; Bush has said there is no evidence that the metadata program has violated anybody’s civil liberties. Hillary Clinton, the Democratic front-runner, has been on both sides of the issue: As a senator, she voted for the Patriot Act, which permitted much of the surveillance, in 2001 and to renew it five years later. But after a federal court ruled earlier this year that the metadata-gathering program was illegal, she began advocating for tighter restrictions on the NSA’s information-gathering. These divisions may sharpen in the coming months with several news stories that will likely receive political attention. The European Parliament recently voted to ask member nations to protect Edward Snowden, the former NSA contractor who leaked classified information about the surveillance program, and to “prevent extradition or rendition by third parties, in recognition of his status as whistle-blower and international human rights defender.” The U.S. Senate recently passed the Cybersecurity Information Sharing Act, which sets up a mechanism for companies to share data with the federal government on hacker attacks. Sanders and Paul have made another bipartisan show of disapproval, agreeing with critics who say the bill’s goal of rapidly transferring corporate information to government agencies doesn’t provide enough assurances that private customer information will be removed from the documents. Rubio supports the bill, and Clinton and Donald Trump, who is seeking the Republican nomination, have not declared a position, like many of the candidates. In response to accusations that the Chinese government is hacking into American websites, Republican Mike Huckabee has advocated hacking right back. “We should hack the cell phones of some prominent Communist party leaders, hack the bank accounts of intelligence officials, publicly humiliate Chinese families for political corruption, or wipe-out a few critical Chinese computer systems,” his website says. Trump, too, has called for a “counter attack” against the Chinese hackers, saying that “these actions border on being acts of war.” Clinton says she prefers to encourage China to act responsibly, holding it accountable (though not specifying how) if it does not. Another issue unrelated to surveillance is net neutrality, the movement to prevent Internet providers from favoring or blocking particular websites. On that subject, the divisions are more familiar. Republicans have lined up in support of congressional efforts to roll back the Federal Communications Commission’s neutrality rules, with Carly Fiorina calling them “crony capitalism.” Sanders and Clinton are fully behind the FCC’s rules, and Sanders has supported efforts to go even further to promote Internet competition. Education Education By HAYLEY MUNGUIA Only 4 percent of Americans consider education the nation’s most important problem, according to Gallup’s monthly polling, which may explain why we haven’t heard much about specific education policy from the presidential candidates. munguia-yearout-edu-updated So far, the education subject the candidates have spoken about most often — college affordability — is one of the few things in the education sphere that most people can agree on, regardless of political affiliation. And it’s becoming more urgent. In a recent Gallup-Purdue poll, 50 percent of college graduates said they strongly believed their education was worth it, but that percentage shrank to 38 percent for those who graduated from 2006 to 2015. Nearly half of recent graduates with student loan debt have put off further education because of those loans; a third have delayed buying a house or car because of student loans, and nearly 20 percent have put off starting a business for the same reason. All of the Democratic candidates have made the high cost of college a key part of their campaigns, and many of the Republican candidates, including Ben Carson, Marco Rubio, Rand Paul and Chris Christie, have laid out their own plans for how to deal with the issue. Democratic candidates’ platforms focus on, among other things, either eliminating tuition (Hillary Clinton’s plan would make community college free, and Bernie Sanders’s would make all public colleges and universities free) or dramatically reducing it. Republican plans focus more on ways to encourage colleges to reduce their costs by accrediting nontraditional education or making colleges responsible for student loan interest. But the real fault line is likely to be K-12 education, particularly the Common Core curriculum and charter schools. A recent Education Next poll found that 57 percent of Democrats favor using the Common Core standards in their state, and only 37 percent of Republicans do. On charter schools, 56 percent of Republicans supported their formation, compared with 40 percent of Democrats. Thus far, the Democratic candidates have been relatively quiet on all things K-12, whereas the Republican field has been more vocal about things like the Common Core, school choice and the role of the federal government. One issue that has been gaining attention, especially since President Obama spoke about it two weeks ago, is the role of standardized testing. Voters in both major parties agree that it’s a problem: PDK/Gallup’s annual education poll found that 60 percent of Republicans and 71 percent of Democrats believe there’s too much emphasis on standardized testing in public schools. We haven’t heard much from the candidates on this issue yet, but if polling is any indicator of what they’ll focus on, it’s only a matter of time. Religion and Social Issues Religion and Social Issues By LEAH LIBRESCO The 2016 presidential campaign doesn’t look like it will be dominated by faith issues: same-sex marriage was settled by the Supreme Court, and fetal tissue research, one of the social issues that has gotten the most play in debates to date, has been taken off the table by Planned Parenthood’s choice to stop accepting compensation for fetal tissue. Nonetheless, because these issues are perceived as red meat for religious voters, many of the candidates have brought them up in their rallies, debate statements and websites. Some Republican candidates have put their faith front and center: Ben Carson, Mike Huckabee and Rick Santorum all speak about how their religion has shaped their character and their choice to run for president. Other Republican candidates speak less personally about their religious practice, but still prominently include on their websites religion-linked issues such as restrictions on abortion; cutting funding for Planned Parenthood; and allowing businesses and individuals to opt out of providing services for abortion, contraception or gay marriage. Jeb Bush, Donald Trump and Chris Christie have no religion-related positions listed prominently on the issues sections of their websites. On the Democratic side, Hillary Clinton and Bernie Sanders’s issue pages specifically include access to abortion and continued funding for Planned Parenthood, as well as endorsing the Equality Act to add sex, sexual orientation and gender identity to the list of classes protected by the Civil Rights Act of 1964. Martin O’Malley doesn’t include any particularly religion-related issues in his 15 Goals. It’s hard to predict at this point how important these issues will be in the decisions of religious voters. America’s faithful tend to be fairly diverse in their political leanings, so winning them over is more a matter of microtargeting than a broad appeal to “values voters.” According to a 2012 Pew Research Center report, Hispanic Catholics have favored Democrats by an average 41-point margin over the last four presidential elections, while white Catholics have voted for Republicans by an 11-point margin. There are similar massive gaps between black Protestants (D+85) and white Protestants, whether the latter are mainline (R+11) or evangelical (R+55).3 Many denominations have had big partisan tilts in how they voted in recent elections, and the splits remain present when members of different faiths are asked whether they favor Democrats or Republicans generally. More recent data from the May 2014 wave of Pew’s Religious Landscape Study, seen in the table below, shows splits by party affiliation. DENOMINATION R/D LEAN REGISTERED TO VOTE SHARE OF U.S. POPULATION CHANGE IN POP., 2007-14 Black Protestant D +70 76% 6.5% -0.4 Buddhist D +53 69 0.7 0.0 Hindu D +48 32 0.7 0.3 Muslim D +45 47 0.9 0.5 Jewish D +38 79 1.9 0.2 Unaffiliated D +31 63 22.8 6.7 Jehovah’s Witness D +11 17 0.8 0.2 Orthodox Christian D +10 60 0.5 -0.1 Catholic D +7 67 20.8 -3.1 Mainline Protestant R +4 77 14.7 -3.4 Evangelical R +28 73 25.4 -0.9 Mormon R +51 75 1.6 -0.1 Denominations that have tended to support Democrats are growing as a share of the population. Unaffiliated people have the largest gains (6.7 percentage points from 2007 to 2014), while the populations of Hindus, Muslims and Jews have increased (albeit by very small amounts). Catholics and mainline Protestants have had the steepest slides in population (more than 3 percentage points). Catholics weakly favor Democrats (on net, though they diverge by race), and mainline Protestants weakly favor Republicans. One other religious division to watch as the election approaches is the way political leanings vary based on how often people attend worship services. The more often a given voter goes to religious services, the more likely he or she is to vote for the Republican nominee. Americans went to religious services slightly less often in 2014 than they did in 2007. The shifts are very small (1 to 2 percentage points) but are all in the direction of lower church attendance. If the numbers represent a real shift, the changes would still marginally weaken the Republican nominee.4 Individual candidates can have particular pulls on specific religious groups (Romney brought Mormons to the polls in 2012), but, in general, your best guess for how the candidates will do is just the historical data, adjusted by who’s been gaining and losing members since the last election. And that data looks better for the Democrats than the Republicans.

No chance of Trump getting tariffs through. **Cooper 3/16**

Matthew Cooper, WHAT IF DONALD TRUMP BECOMES PRESIDENT?, Newsweek, 3/16/16. NS

Would the wall do as intended? And could Trump really secure the money to pay for it? The answer to both is probably no. What about Mexico footing the bill? So far, the country has been a tad reluctant. “I’m not going to pay for that fucking wall,” said former Mexican President Vicente Fox. Trump argues that Mexico, threatened with tariffs, would gladly cough up the money lest its access to lucrative American markets dried up. But this is fantasy. No Mexican leader could survive appearing to be such a supplicant to the U.S., even if he or she were so inclined. Then would Congress pay for the wall? No, and this gets to the heart of Trump’s problem not just with walls but with governance: He phrases solutions in terms of “I,” but this is a “we” country. It’s hard to see Congress being cajoled into funding that very expensive barricade, especially when Democrats would likely be able to stymie any funding measure with a filibuster in the Senate. Trump could try to galvanize public opinion, but good luck with that. If he just ends up with more drones and Border Patrol agents, he will have accomplished as much on that front as George W. Bush or Barack Obama and left his supporters crestfallen. Here’s another “I” problem. Trump loves to tell the hypothetical about how he’ll get Ford Motor Co. to stop building a plant in Mexico. In his telling, he calls the head of Ford, threatens a tariff and after a day or so the auto CEO relents and opens a factory in the United States. Trump has been telling this fairy tale for almost a year, and yet Ford has gone ahead with its Mexican expansion. Would it be any different if Trump got elected? Very doubtful. Raising tariffs is hard. You need to run the gantlet of lobbyists and get through the famously tough Senate Finance Committee, where chairmen of past (Bob Dole, Daniel Patrick Moynihan) and present (Orrin Hatch) have wielded the power to tie up tariffs forever. And since a tariff is a tax by another name, there’s about zippo chance of getting something like that through a tax-phobic Republican Congress, even if Trump is a Republican president. And even if he could, a unilateral tariff would run afoul of the North American Free Trade Agreement. Mexico could seek redress under that accord. By that time, Ford Mustangs and Fiestas would already be coming off the line in Mexico.

No impact to Trump – institutional mechanisms check. Cooper 3/16

Cooper 3/16/16 (Matthew, Columnist @ Newsweek, "WHAT THE WORLD WILL LOOK LIKE UNDER PRESIDENT DONALD TRUMP," http://www.newsweek.com/2016/03/25/world-under-president-donald-trump-437158.html)

All of which is nuts. Trump isn’t Hitler. He isn’t a fascist either—although he has, despite a career of deal-making, the my-way-or-the-highway proclivities of a Latin American strongman, which would be worrisome if America were Bolivia and not an enduring democracy. (Trump was the inspiration, by the way, for the Back to the Future bully, Biff Tannen.) He’s also not a savior. Due to his solipsistic personality and vague, unworkable policies, he could never be what he promises to be if elected. But that doesn’t make him the sum of all fears. The unspectacular truth is that a Trump presidency would probably be marked by the quotidian work of so many other presidents—trying to sell Congress and the public on proposals while fighting off not only a culture of protest but also the usual swarm of lobbyists who kill any interesting idea with ads and donations. Trump has a rarefied confidence in his abilities and, as we recently learned, in his, um, manhood. But what he doesn’t have is a magic wand (insert wand-penis joke here). Remember Schoolhouse Rock ? Trump is no match for the American political system, with its three branches of government. The president, as famed political scientist Richard Neustadt once said, has to take an inherently weak position and use the powers of persuasion to get others to do what he wants.

### A2 Energy Politics DA

Won’t pass—derailed by GOP “poison pill” on Iran. **Kelly 4/28**

Erin Kelly. “Senate’s Push to Pass Spending Bill Stalls Over Partisan Blowup.” *USA Today. http://www.usatoday.com/story/news/politics/2016/04/28/senates-push-pass-spending-bills-stalls-over-partisan-blowup/83651668/.* 4/28/16. CC

WASHINGTON — **Senate leaders failed their first big test this week** in their push to prove they can pass 12 spending bills and prevent the annual fiscal crisis that threatens to shut down the government at the end of the year. After starting off strong last week with bipartisan consensus to pass a $37.5 billion **energy and water bill**, the process **blew up when** Sen. Tom **Cotton**, R-Ark., **proposed an amendment Wednesday that Democrats charged was a "poison pill"** **that would undermine the Iran nuclear deal.** **On Thursday, Democrats blocked the bill from advancing** because of the amendment, **leaving senators headed home for** a weeklong **recess without anything to show for two weeks of debate**. The vote was 52-43 to advance the bill, falling short of the 60 votes needed. **The failure** to advance the bill, which would pay for popular flood control projects, port improvements and nuclear safety programs, **underscores just how difficult it will be for senators to pass** the **other** 11 **measures**, many of which are much more controversial. The vote was a blow to Senate Majority Leader Mitch McConnell, R-Ky., who had optimistically vowed to try to pass all 12 spending bills for 2017 by Oct. 1. Congress has not met that deadline since 1994. When Congress fails to pass the bills by the beginning of a new fiscal year, lawmakers are forced to scramble to put together one huge hodgepodge of a funding bill at the last minute to keep the government running. McConnell's optimism was shared, at least briefly, by Democrats. Just a week ago, Sen. Barbara Mikulski of Maryland, the senior Democrat on the Appropriations Committee, said the bipartisan cooperation on the energy and water bill "signals that we are ready to do regular order ... so we don't end up with a big omnibus bill at the end." "It is an excellent kickoff to what I hope will be the ability to move all 12 bills," she said on April 21. But, on Thursday, Democrats and Republicans were back to blaming each other for the breakdown of the process. "We now have a bipartisan opportunity to responsibly work through individual funding bills," said McConnell, who accused Democrats of "blowing up" the process for short-term political gain. "What it will take is for our Democratic colleagues to end this obstruction and work cooperatively across the aisle instead. That’s not too much to ask." Senate Minority Leader Harry Reid, D-Nev., shot back, saying Democrats were ready to approve the bill until GOP leaders allowed Cotton to offer his amendment. "We want to do appropriations bills," Reid said. "And we were on a rush to get one done, the first one. We were headed to victory, and out of nowhere comes a poison pill rider. And everyone acknowledges that's what it is ... Republicans should step back and figure out some other way to try to embarrass the president. This is not the way to do it." Cotton's amendment would have barred the Obama administration from buying "heavy water" from Iran. The water is used in producing nuclear energy and weapons. As part of the nuclear deal reached between the administration and Tehran last year, Iran must reduce its supplies of heavy water so that it cannot produce nuclear weapons. Cotton, one of the most outspoken opponents of the Iran nuclear deal, said he wanted to stop U.S. money from going to subsidize a regime that has sponsored terror. The White House said President Obama would veto the energy and water spending bill if it contained Cotton's amendment. "We've made clear our commitment to a principle that ideologically motivated policy riders are not appropriate for appropriations bills," White House spokesman Josh Earnest said Wednesday. It's not clear what the Senate's next step will be to try to get its spending bills back on track. "This is a ridiculous place for the Senate to be,” McConnell said. "Ridiculous."

Differences with the House still have to be worked out and Obama will veto anyway. **Henry 4/25**

HENRY 4/25 (Devin; The Hill, “Week ahead: Senate looks to wrap up energy, water spending bill,” http://thehill.com/policy/energy-environment/277313-week-ahead-senate-looks-to-wrap-up-energy-water-spending-bill)

The Senate will look to finish its work on an energy and water spending package in the coming week, aiming to pass its first appropriations bill of the year. The fiscal 2017 bill would increase funding $355 million over 2016 levels, with a $1.163 billion increase for the Department of Energy's defense-related programs and an $808 million decrease for the nondefense portions of the bill, including other DOE programs and the Army Corps of Engineers. The $37.5 billion bill doesn't contain many of the policy riders included in the House version of the bill. The Appropriations Committee sent it to the floor earlier in the month, and the Senate began debating in recent days. Senators voted down a particularly controversial rider, with Democrats blocking an amendment from Sen. John Hoeven (R-N.D.) designed to prevent funding for an Obama administration water rule. Even so, the White House has threatened a veto, saying the bill doesn't provide enough research funding for advanced energy projects or renewable energy sources. "At this funding level, the number of research, development, and demonstration projects supported in cooperation with industry, universities, and the national labs would be reduced, limiting innovation and technological advancement," the White House said in a statement. Senators are scheduled to vote on amendments to kick off the week, including measures to increase spending for wind energy and water projects at Lake Mead in Nevada, and another to cut funding from the Army Corps' construction work. Other amendments will likely follow before final passage. Congress and energy watchers will also begin waiting for news on an energy bill conference committee. After the Senate passed its energy bill, Sens. Lisa Murkowski (R-Alaska) and Maria Cantwell (D-Wash.), its sponsors, said they were looking forward to merging the House and Senate legislation. House Energy and Commerce Committee Chairman Fred Upton (R-Mich.), too, has indicated his desire to get the bills to a conference committee this session and craft a compromise package. Neither the House nor Senate have named conferees, the next step in a process so far marked by fits and starts. Committee schedules in both the House and Senate are light. On Thursday, though, the House Science Committee is scheduled to investigate the Environmental Protection Agency's oversight of the Pebble Mine project in Alaska. The same day, a House Natural Resources Committee panel is scheduled to hold a hearing on the Bureau of Land Management's regulations of methane emissions on federal lands.

Not enough time to get it done. **Heidorn 4/25**

HEIDORN 4/25 (Rich, Jr.; RTO Insider, “Energy Bill Faces Tight Calendar, Partisan Divide in the House,” http://www.rtoinsider.com/u-s-senate-energy-bill-25580/)

The U.S. Senate overwhelmingly passed its first major energy bill in almost a decade Thursday but faces a tight calendar to reach agreement with the House, where Republicans approved their own measure with little Democratic support. The Senate’s Energy Policy Modernization Act of 2015 passed 85-12, with support of all but a handful of Republicans. The House’s North American Energy Security and Infrastructure Act cleared 249-170 in December with support from only three Democrats. President Obama has threatened to veto the House bill but expressed support for most of the Senate provisions. House Energy and Commerce Committee Chairman Fred Upton (R-Mich.) said he hopes to craft a compromise that can clear both houses and win Obama’s approval. Senate Energy Committee Chair Lisa Murkowski (R-Alaska) acknowledged some House Republicans won’t be pleased that the Senate bill permanently authorized the Land and Water Conservation Fund and did not end the controversial Department of Energy loan guarantee program. “My hope is that the House takes a look at the strong vote over here,” she said in a press conference with the committee’s top Democrat, Sen. Maria Cantwell (D-Wash.), after the vote. “I think we have demonstrated, with the process that we have used here on the Senate side … we can work through issues. [The] calendar is a little more challenging,” she added, noting that a formal conference committee would require that both houses be in session at the same time. Cantwell praised Murkowski’s stewardship of the bill. “Because of her willingness to work in a bipartisan fashion — have an open amendment process in the committee and on the floor and consider so many pieces of legislation by our colleagues — I think that was what the success in today’s resounding vote is about.” The 424-page Senate bill authorizes increased spending on energy research, improves cybersecurity protections and encourages more efficient buildings and vehicles. It also adds taxpayer protections to the loan guarantee program and streamlines federal approvals of electric transmission, pipeline, hydropower and LNG facilities. Compromises The bill won broad support by largely sidestepping polarizing issues such as climate change and oil and gas production. Nevertheless, there were some provisions that displeased environmentalists, including its support for accelerated approval of LNG export terminals. And although it won the backing of the U.S. Chamber of Commerce, the conservative Heritage Foundation decried it as a “continuation of government meddling in the energy economy.”

2. Flint crisis and loan guarantees thumps **Dillon 2/7**

Jeremy Dillon and Bridget Bowman 2/7, "Flint Aid Triggers Partisan Battle Over Senate Energy Bill", 2-7-2016, Roll Call, http://www.rollcall.com/news/flint\_aid\_triggers\_partisan\_battle\_over\_senate\_energy\_bill-245723-1.html?pg=2&dczone=news,

A bipartisan energy bill turned into a partisan battleground on Wednesday as party leaders in the Senate accused each other of sabotaging the measure for political purposes. Democrats demanded consideration of an amendment unrelated to energy policy that would provide federal financial support to help Flint, Mich., fix its lead-tainted water crisis. Republicans, careful to stress that they are eager to help Flint, said the cost was too great and would establish a precedent of federal assumption of state and local responsibilities. “Let’s see if the Democrats want to block an energy bill that they have supported all along over this issue,” Majority Whip John Cornyn, R-Texas, said on Wednesday after Democrats threatened to block the bill absent the amendment. “We are willing to work in good faith with them, but if they just want to basically play politics, we can’t stop them." “The hard right is blocking it,” Sen. Charles E. Schumer, D-N.Y., vice chairman of the Senate Democrats’ Conference, said of Republican opposition to the amendment proposed by Michigan Democrats Debbie Stabenow and Gary Peters. “Our caucus feels we have to do something about Flint now, and they ought to back off.” Senate Majority Leader Mitch McConnell, R-Ky., started the process to end debate on the bill Tuesday night by invoking cloture on the broad bill (S 2012). A cloture vote would occur Thursday, at a time yet to be determined. But after taking to the floor to announce that talks toward an agreement on the amendment had stalled, Stabenow told reporters, “I think it’s a big question whether [Republicans] get cloture.” Stabenow said the agreement that fell through provided less than half of the amendment's original $600 million request. “I don’t know what is happening at this point,” Stabenow said. “We had, as of yesterday, I thought, a solid agreement.” Terms of the supposed agreement have not been made official, but individual lawmakers described some details on Tuesday. The funding sent to Flint to improve the water system would come in the form of preferred-rate loan via an already-established EPA program that helps states pay for drinking water infrastructure, such as the Drinking Water State Revolving Fund, a federal-state revolving loan fund, according to several senators. Stabenow said Republicans were using “bogus excuses” based on procedural concerns to stop the amendment from moving forward. The amendment sought to address toxic levels of lead found in Flint residents’ water, stemming from a 2014 city decision to switch this water supply from Lake Huron to the Flint River, while not requiring chemicals to be added that would prevent pipe corrosion. 'Political Football' '“We don’t want to use [the people of Flint] as a political football,” Stabenow said. “They don’t deserve this after everything that they’ve been through up until this point.” Stabenow said that she was warned that because spending bills traditionally originate in the House, an effort by the Senate to initiate spending on Flint could lead House leaders to place a “blue slip” on the bill, which would stop it from moving forward. A person familiar with discussions told CQ Roll Call the Republicans believe there is already a blue slip issue, but the Democrats do not. Discussions about the matter are ongoing. Another issue in the discussions, according to a person familiar with them, is a disagreement about the federal government's credit risk on $600 million in loan guarantees it made for the state of Michigan. Democrats had estimated that the total cost of the package would be scored in the neighborhood of $280 million, including $60 million to back the loans. But, the Congressional Budget Office appears to have viewed the matter differently, and Senate Republicans interpret the situation as needing more offsets. Republicans have so far balked at the price tag associated with the amendment. Sen. Lisa Murkowski, R-Alaska, who led the bill through her Energy and Natural Resources Committee, has said multiple times that any amendment to the bill that has a cost would need an offset for it to move forward. “Where we are in the process is put forward something that can be helpful [for Flint], but recognizing that amendments that have a score are pretty tough to deal with right now,” Murkowski said Tuesday night when the deal appeared imminent. “I have said that from the very outset of this process that if there is a score, there has to be an offset, and if it’s a tax provision, it has a blue slip and we can’t run that risk. We’re still trying to thread that needle.” Senate Majority Whip John Cornyn, R-Texas, said Tuesday that he did not agree with sending an emergency appropriation to Flint. He claimed it should begin with local and state support with federal intervention, if needed, coming through the regular appropriation process, and not an energy policy bill. The broader energy bill would streamline permitting for liquefied natural gas exports, mandate improvements to the electric grid's reliability and security, raise energy efficiency standards for commercial and federal buildings and permanently reauthorize the Land and Water Conservation Fund. Murkowski has tried to spare the bill from being laden with partisan amendments in order to avoid a showdown that could prevent the legislation from passing or being signed by President Barack Obama. Stabenow also emphasized that proponents of the Flint amendment have worked to achieve a bipartisan consensus. “We really don’t want this to be a partisan, political issue,” Stabenow said. “We just want to get people in Flint some help.”

3. **Turn -** the plan is immensely bipartisan and unifying. **Jensen 15**

Tom Jensen. Public Policy Polling. “82% of Americans Support Preventing Domestic Abusers From Buying Guns” July 22, 2015. CC

Public Policy Polling surveyed 636 registered voters on June 19th and 20th on behalf of the Center for American Progress Action Fund. The survey’s margin of error is +/-3.9%.

A new Public Policy Polling survey finds that 82% of Americans would support legislation prohibiting anyone convicted of stalking or domestic abuse against a dating partner from buying a gun. Only 11% are opposed to such a bill. What is particularly striking is the broad support across all demographic lines for keeping guns out of these people’s hands. Key findings from the survey include: -There’s a broad bipartisan consensus in support of this change to the law. Democrats support it 92/3, independents do 82/10, and Republicans do by a 68/23 spread. It is very hard to find any policy proposal that more than two thirds of both Democrats and Republicans support these days. -Gun owners have no problem with this bill- in fact they strongly support it. 80% of gun owners think it’s a good idea, compared to only 12% who are opposed to it. Those numbers are little different from the 87/7 support it has with non-gun owners. -There’s also an overwhelming mandate for this legislation across gender lines. Women are particularly supportive of it, with 87% favoring it to only 6% who are opposed. But attitudes among men aren’t much different- 77% of them are in support with only 16% against. -Greater than 80% support for the proposal exists across all racial groups. Hispanics (92/6) and African Americans (89/1) both give it near unanimous support, with whites (80/13) overwhelmingly in favor as well. In this era of divisive politics, there is little that 82% of Americans agree about. But prohibiting people convicted of stalking or domestic abuse against a dating partner is something that brings every segment of the electorate together. This would be a unifying and popular law to pass.

4. Multiple fights thump. **Lederman 2/2**

Josh Lederman, Associated Press, "Searching for compromise, President Obama summons Republican leaders to hash out agenda for his final year," Journal Star, http://www.pjstar.com/article/20160202/NEWS/160209883, February 2, 2016. CC

WASHINGTON (AP) — Searching for potential compromise, President Barack Obama brought the Republicans who run the House and Senate to the White House on Tuesday to try to hash out an agenda for his final year, even as his top legislative priorities appear to be losing steam. Obama's meeting with House Speaker Paul Ryan was his first since the Wisconsin Republican took the helm more than three months ago, the long delay illustrating the lack of urgency for Obama in engaging with a Congress clearly resolved to wait him out. Obama and Ryan planned a private lunch following a joint meeting with Senate Majority Leader Mitch McConnell, whose focus this year is largely on protecting vulnerable Republicans and keeping the Senate in GOP hands come November. Ahead of the meeting, Ryan told reporters that he was excited to see the start of voting in Iowa's presidential caucuses Monday night because "what it tells me is the days of Barack Obama's presidency are numbered." As Ryan swept into the speakership in October, the White House was cautiously optimistic that the policy-minded Republican, given a powerful mandate by his unruly caucus, might be able to work with Obama in 2016 on a narrow set of issues with some bipartisan overlap. Although Obama has scaled back his legislative ambitions from the sweeping proposals he pushed earlier in his presidency, he still needs Congress to help finish what he's started in certain areas — trade being chief among them. But with campaign season in full bloom, enticing Republicans to work with Obama on much of anything is becoming an increasingly arduous task, especially as many lawmakers facing competitive primaries seek to avoid votes that conservative challengers could use against them. Just as Ryan and McConnell were heading to the White House, the Republicans and Democrats running to replace Obama were shuttling from Iowa to New Hampshire for the next step in a presidential primary that's now the dominant force in the political conversation. Ryan, speaking after the weekly GOP caucus, said he and Obama get along personally, but have their policy differences. He said he hoped they could "put those disagreements in check and see where the common ground is." Heading into Obama's final year, perhaps no issue seemed riper for compromise than a criminal justice overhaul that both parties agree is sorely needed. In an early sign of progress, a Senate panel approved legislation easing strict sentencing requirements for some nonviolent offenders. But McConnell has been moving cautiously without committing to a vote while the bill's GOP backers downplay prospects for a breakthrough this year. Ryan's deputy, House Majority Leader Kevin McCarthy, on Monday became the latest Republican to warn that it might need to wait until next year, when Obama steps aside. The White House said Puerto Rico's fiscal crisis, efforts to deal with opioid addiction and the Trans-Pacific Partnership trade deal were also on the agenda. "These are all things that Republicans independently say are priorities for them," said White House spokesman Josh Earnest. Obama is seeking final congressional approval for the sweeping free-trade deal with Asia, which most Republicans support and most Democrats oppose. To Obama's dismay, many GOP leaders have suggested they might not vote until after November's election, leaving the fate of a major pillar in Obama's economic legacy to the unpredictable lame-duck period. Republican leadership aides listed a number of other likely topics, including North Korea sanctions, energy legislation, Vice President Joe Biden's cancer initiative and the Guantanamo Bay prison that Obama has been trying to close over GOP opposition. Obama's call for a new war authorization was another focus, though Republicans and Obama disagree sharply about what limitations should be included, dimming prospects for a bill this year. In a sign of GOP eagerness to move past Obama, Ryan will return from lunch Obama for a House vote on overriding Obama's veto of a bill gutting his signature health care law.

5. intrinsic – logical policy would do both since they’d recognize the bad effects of not passing TPP

6. Forcing controversial fights key to Obama’s agenda. **Dickerson 13**

(John, Slate, Go for the Throat!, www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. He has abandoned that. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift.

7. Won’t pass---controversial amendments are coming **Henry 2/1**

Devin Henry 2/1, "Week ahead: Senate aims to wrap up energy reform bill", 2-1-2016, http://thehill.com/policy/energy-environment/267532-week-ahead-senate-aims-to-wrap-up-energy-reform-bill

The Senate will pick up debate on its energy overhaul bill in the coming week. Lawmakers have filed more than 100 amendments to the bill, which itself is a major rewrite of federal energy policy. The legislation, from Sens. Lisa Murkowski (R-Alaska) and Maria Cantwell (D-Wash.), includes provisions to speed up the export of liquefied natural gas, indefinitely expand a conservation fund, update the electricity grid and reform other energy policies. Members have worked hard to preserve the legislation’s bipartisan appeal — it cleared committee on an 18-4 vote — and none of the amendments approved during the first week of debate threw the bill off track. Senators advanced 11 amendments in Thursday, but they only held roll-call votes on those relating to nuclear research, funding for advanced energy and a study on crude oil exports. That’s not to say there aren’t controversial, contentious or high-profile amendments waiting in the wings. A host of Democrats, led by Michigan Sens. Debbie Stabenow and Gary Peters, want to attach a $600 million aid package for Flint, Mich., to the bill. California Sens. Dianne Feinstein and Barbara Boxer introduced an amendment on Friday calling for a formal federal response to a methane leak at a natural gas storage facility outside of Los Angeles. Lawmakers have also introduced amendments dealing with several other controversial issues and pet projects, including cutting fossil fuel tax credits or ending the federal ethanol mandate. But it’s unlikely the bill’s managers will be enthusiastic to bring such measures to the floor for a vote.

8. Obama has no pol cap – can’t pass anything – and either XO triggered or plan won’t **Debonis 1-13**

Mike Debonis, "It’s Official: President Obama Has Broken Up With Congress," Washington Post, https://www.washingtonpost.com/news/powerpost/wp/2016/01/13/its-official-president-obama-has-broken-up-with-congress/, January 13, 2016. CC

Their tumultuous relationship nearing an end, President Obama and Congress scheduled one last date for Tuesday night, when Obama delivered his final State of the Union address. But make no mistake, the breakup was already complete. Obama’s need to work with Congress effectively ended late last year, after lawmakers passed a two-year budget accord and approved a spending package to keep the government open for the bulk of the coming election year. And the political reality was evident in Obama’s speech, which centered on a high-minded appeal for a more inclusive and responsive brand of politics but included no specific proposals in that area. Instead, he called on Congress to take action only on a handful of issues whose chances of passage this year range from slim to none. The speech tonally was very different than previous years,” said Sen. John Thune (R-S.D.), chairman of the Senate Republican Conference. “It’s almost like, ‘Okay, I’ve done what I can, and I’m going to continue to do what I can this next year by executive action.’ But I think he’s been on the glide path out of here, and I think the speech tonight reflected that.” Republican leaders, meanwhile, effectively forfeited any leverage they had to force Obama to accept additional policy concessions by agreeing to the fiscal deals last year. So, after a year that saw the passage of several major policy bills on education, transportation and taxation, both parties have now pivoted firmly toward politics. The pivot was on display in the run-up to Tuesday’s address, with Republicans and Democrats mostly talking past each other about their expectations for the speech and for the year ahead. Asked last week what he would advise the president to say Tuesday, the typically earnest House speaker, Paul D. Ryan (R-Wis.), opted for sarcasm, saying Obama ought to “take it all back.” “Health care [reform] was wrong; we shouldn’t have done Dodd-Frank; I want to actually lower tax rates, clear out crony capitalism, and restore the Constitution to its rightful place in American life,” Ryan said. “That’s what I would encourage him to say. Something tells me he might not say that.” Ryan has made clear his intention to use the House as a platform to develop a Republican campaign agenda. Meanwhile, the White House had given plenty of indications that the GOP-controlled Congress wouldn’t be much of a player in its list final-year priorities — none stronger than Obama’s decision shortly after the New Year to unveil new executive actions aimed at expanding background checks for gun buyers, a proposal that GOP congressional leaders have shown no interest in taking up. Obama’s address Tuesday mentioned several issues he planned to “push for” or “work on.” But he directly asked Congress to act on only three issues: revisiting the presidential authority to use military force against the Islamic State, approving the Trans-Pacific Partnership trade agreement, and lifting the Cuban trade embargo. Each carries deep political complications and thus little chance of advancing through Congress in a presidential election year. “If I had to handicap, I’m not sure any of them get done this next year,” Thune said after the speech. Those dismal prospects have driven Obama’s moves to take executive action wherever possible — actions that have inflamed congressional Republicans and created a vicious cycle that has made the prospect of bipartisan lawmaking ever more unlikely.

### A2 FAA Bill

Won’t pass - new energy tax provisions make it super controversial. **Fitzpatrick 4/7**

Fitzpatrick, Jack. "FAA Bill Hinges on Clean Energy." Morning Consult. April 07, 2016. Accessed April 08, 2016. <https://morningconsult.com/2016/04/clean-energy-variable-faa-bills-path-forward/>. NBP

The fate of a must-pass bipartisan bill reauthorizing the Federal Aviation Administration lies in the hands of lawmakers who are crafting an unrelated provision to extend tax credits for clean energy. The unanswered questions about the FAA bill generally are: When exactly will the Senate vote to pass it? Will it require a procedural vote to overcome a filibuster? How much support it will have in the Senate and then the House? That’s according to its author, Sen. John Thune (R-S.D.), chairman of the Commerce Committee. All those factors depend on the answer to one other question: What exact language is going into the provision on clean energy tax credits? Lawmakers have mentioned geothermal, fuel cell and biomass energy sources, but they have been vague on the specifics. Meanwhile, other industry advocates have called for their clean energy sources to be included, including carbon-capture technology. Democrats threatened on Tuesday to block the entire FAA bill if it doesn’t include the energy tax provisions they said were mistakenly left out of last year’s catchall bill that extended tax credits for wind and solar power. The deal to include the left-out provisions was already set, according to Sens. Harry Reid (D-Nev.) and Chuck Schumer (D-N.Y.), and the tax title in the FAA bill will simply fix that mistake. But Thune and other Republicans have said it’s not quite as simple as copying and pasting the excluded tax language into this particular bill. The FAA bill’s tax title is still under negotiation and it’s not clear exactly which clean energy sources will be included, Thune said. Democrats have already signaled their support for the underlying FAA bill by voting to allow debate on the measure. But until the details are worked out on the tax title, the bill’s path forward isn’t entirely clear.

Bill hasn’t even passed the senate and hasn’t even been brought up in congress which could take years – proves plan is not correlated

Garland nomination thumps. **Dingman 3/30**

Dingman 3/30/16 (Mike, Columnist @ Alaska Dispatch News, "Obama has no claim to moral high ground over Supreme Court stonewalling," http://www.adn.com/article/20160330/obama-has-no-claim-moral-high-ground-over-supreme-court-stonewalling)

The Republicans in the United States Senate do not want to confirm President Obama’s nominee to Supreme Court. There is no secret about this; Senate Majority Leader Mitch McConnell said right away that he was not interested in holding hearings and that he believed the rest of the Senate majority agreed with him. When asked if he would entertain a meeting with a prospective nominee, he was quoted in a Politico article as saying: “I don't know the purpose of such a visit. I would not be inclined to take one myself.” That was a month ago. We now have a nominee with a name, a face and a resume. Merrick Garland is the chief judge of the United States Court of Appeals for the District of Columbia Circuit; President Bill Clinton appointed him in 1997. Judge Garland is every bit qualified to be a Supreme Court justice. He graduated from Harvard Law School magna cum laude, was a member of Harvard Law Review and clerked for Supreme Court Justice William Brennan Jr. Judge Garland is definitely a compromise choice -- so much of a compromise that some in the liberal wing of the Democratic Party are calling his nomination a missed opportunity. There’s always the possibility that President Obama nominated Judge Garland expecting the Senate to shut down his nomination, or at the very least vote it down in hearings held just to help the GOP save face in an election year. President Obama has taken this fight with the Senate Republicans head-on from the very beginning. In his speech nominating Judge Garland to the bench, President Obama said, "It is tempting to make this confirmation process simply an extension of our divided politics, the squabbling that's going on in the news every day." He continued: "But to go down that path would be wrong. It would be a betrayal of our best traditions and a betrayal of the vision of our founding documents. This is precisely the time when we should play it straight." Remember, however, that President Obama has often used executive orders to get his way on hotly contested issues such as gun control and immigration. Democrats often point to the number of executive orders written by President Obama compared to his Republican counterparts; however, when it comes to executive orders, the difference really lies in the quality rather than the quantity. President Obama decried executive orders at a town hall in 2007; when he was running for president, he said: “I taught the Constitution for 10 years, I believe in the Constitution and I will obey the Constitution of the United States. We are not going to use signing statements as a way of doing an end run around Congress.” So now the president wants Congress to either take action, after he’s been taking the “end run” that he promised in 2007 he would not, or fail to act and look shady in the process. If Judge Garland is a sacrificial lamb in this process, it’s unfortunate. His resume and reputation are solid. He’s the kind of candidate who after a proper vetting process could potentially make a very good Supreme Court justice. President Obama said of him, “Over my seven years as president, in all my conversations with senators from both parties in which I asked their views on qualified Supreme Court nominees ... the one name that has come up repeatedly from Republicans and Democrats alike is Merrick Garland.” He’s definitely the type of compromise candidate both parties could rally around -- which is starting to show. NBC News claims that 16 GOP senators now support holding hearings for the nominee. CNN polls show that two-thirds of those polled believe that hearings should be held for Judge Garland. Regardless of what happens, this political gamesmanship is cause for considerable consternation on both sides. Let's not pretend one side is behaving better than the other in this fight. It’s ugly politics, plain and simple.

**Turn -** the plan is immensely bipartisan and unifying. **Jensen 15**

Tom Jensen. Public Policy Polling. “82% of Americans Support Preventing Domestic Abusers From Buying Guns” July 22, 2015. CC

Public Policy Polling surveyed 636 registered voters on June 19th and 20th on behalf of the Center for American Progress Action Fund. The survey’s margin of error is +/-3.9%.

A new Public Policy Polling survey finds that 82% of Americans would support legislation prohibiting anyone convicted of stalking or domestic abuse against a dating partner from buying a gun. Only 11% are opposed to such a bill. What is particularly striking is the broad support across all demographic lines for keeping guns out of these people’s hands. Key findings from the survey include: -There’s a broad bipartisan consensus in support of this change to the law. Democrats support it 92/3, independents do 82/10, and Republicans do by a 68/23 spread. It is very hard to find any policy proposal that more than two thirds of both Democrats and Republicans support these days. -Gun owners have no problem with this bill- in fact they strongly support it. 80% of gun owners think it’s a good idea, compared to only 12% who are opposed to it. Those numbers are little different from the 87/7 support it has with non-gun owners. -There’s also an overwhelming mandate for this legislation across gender lines. Women are particularly supportive of it, with 87% favoring it to only 6% who are opposed. But attitudes among men aren’t much different- 77% of them are in support with only 16% against. -Greater than 80% support for the proposal exists across all racial groups. Hispanics (92/6) and African Americans (89/1) both give it near unanimous support, with whites (80/13) overwhelmingly in favor as well. In this era of divisive politics, there is little that 82% of Americans agree about. But prohibiting people convicted of stalking or domestic abuse against a dating partner is something that brings every segment of the electorate together. This would be a unifying and popular law to pass

Appropriations bills thump – fights will dominate the agenda until September. **Dobbs 3/28**

Dobbs-Allsopp 3/28/16 (Will, columnist covering Congress and the campaign trail for Morning Consult, "Congress Takes a Break This Year After a Productive 2015," https://morningconsult.com/2016/03/congress-takes-a-break-this-year-after-productive-2015/)

Otherwise, the only thing left on the docket is the year’s appropriations work, which lawmakers had hoped would be done through “regular order,” passing each of the 12 spending bills that fund the federal government individually. That feat hasn’t been accomplished in decades. It’s not likely to occur this year. The GOP’s budget woes in the House make a regular appropriations process all but impossible. House conservatives said last week that if appropriators write spending bills to the higher spending level, it’s unlikely they would support any funding bill that isn’t related to national security. “I probably wouldn’t have a problem voting for the [Veteran’s Affairs] bill,” said Rep. Thomas Massie (R-Ky.), a vocal fiscal hawk that has been critical of House GOP leadership in the past. “We’re going to look at every individual appropriations bill,” said Rep. Jim Jordan (R-Ohio), who chairs the Freedom Caucus. “We’re for strong national defense and obviously supporting our veterans.” Jordan underscored his deep dissatisfaction with current spending targets and signaled that many of the other appropriations bills would be a tough sell for him and like-minded House Republicans. “We’re being asked to validate a spending level that the vast majority of Republicans opposed, both in the House and Senate just a few months ago,” he said. At the same time, nearly every member of the House GOP conference hopes to see appropriations bills contain conservative policy riders that Democrats will surely oppose. The result? Getting 218 votes for all but a couple spending bills in the chamber will be a challenge. McConnell has said he intends to take up appropriations bills after the trade secrets bill. The Senate actually could consider a number of spending bills, especially since senior Republican appropriator Sen. Lamar Alexander (R-Tenn.) suggested he would like to see the bills move through the chamber without any conservative policy riders. But with little prospect of the same thing happening in the House, the only real impact Senate action will have is to chew up floor time until the end of September. That’s when lawmakers will have to pass a stopgap spending bill in the likely event they have not completed all their appropriations work.

Forcing controversial fights key to Obama’s agenda. **Dickerson 13**

(John, Slate, Go for the Throat!, www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html)

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### A2 Garland DA

No nomination. **Chemerinsky 4/28**

Erwin Chemerinsky, Senate's duty to vote on Garland for court, OC Register, 4/28/16. NS

Yet, it now is clear that the Senate Judiciary Committee will not hold hearings on Judge Garland’s nomination and the Senate will not conduct a vote on his confirmation until after the November 2016 election. Just hours after Justice Antonin Scalia’s death was announced, Senate Majority Leader Mitch McConnell announced that there would not be hearings or a vote. The Republican leadership in the Senate has not wavered on this. The result is that the court will go all the rest of this term and most of next with only eight justices. This is nothing but political obstructionism. No one claims that Garland is unqualified to be on the Supreme Court. By any measure, he is superbly qualified. After graduating from Harvard Law School, Garland clerked on the federal court of appeals and for Supreme Court Justice William Brennan. He was a partner at a prestigious law firm and a federal prosecutor. He has been a federal court of appeals judge for 19 years. Nor is there a basis for opposing him on ideological grounds. By all measures, he is a moderate. Having read many of his opinions, he tends to side with conservatives on criminal justice issues and with liberals on other issues of individual rights. But no one who is familiar with his record could say other than that he is a very careful, middle-of-the-road judge. The Republican opposition is entirely to keep the seat open in case a Republican is elected president in November. But this has no stopping point. If a Democrat wins the White House in November, but the Republicans keep the Senate, could they refuse to fill a vacancy for another two or even four years?

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Zika, Flint and Puerto Rico Thump. **Dobbs-Allsopp 4/26**

DOBBS-ALLSOPP 4/26 (Will; Morning Consult, “Senate Democrats Expand Scope of #DoYourJob Barbs,” https://morningconsult.com/2016/04/senate-democrats-criticize-republican-inaction/)

It started as the mantra Senate Democrats used to urge their GOP colleagues to grant Supreme Court nominee Merrick Garland a hearing and floor vote: “Do your job.” For weeks, every Democratic tweet urging Senate Judiciary Chairman Chuck Grassley (R-Iowa) and Senate Majority Leader Mitch McConnell (R-Ky.) to take up Garland’s nomination ended with #DoYourJob. At press conferences and in video releases, Senate Democrats brought forward doctors, nurses, and municipal employees to explain what would happen if they refused to do their jobs. Their point, though a tad heavy-handed, was clear: Republican senators are skipping out on work. But with little prospect of a Garland hearing and a number of other pressing issues dominating the news cycle, the #DoYourJob campaign has evolved. Once a movement with the sole purpose of getting Garland a confirmation hearing and vote, the tagline has become a bicameral effort to paint congressional Republicans as generally obstructionist on a host of items. From passing an emergency Zika spending bill to devising a federal response to the water crisis in Flint, Mich., Democrats in both chambers have taken to using the phrase as a convenient shorthand to convey that the GOP is not acting on important priorities. Senate Democratic aides say the broadening of scope was not part of the original Garland strategy, but an outgrowth of GOP inaction on a slew of urgent issues that they say require speedy attention. “We’ve talked and talked about the Republicans not doing their job, and they’re not,” said Senate Minority Leader Harry Reid (D-Nev.), as he lambasted Republican inaction on approving new Zika funds during a weekly press conference Tuesday. He ticked through a list of other items he said the GOP has refused to address: increased funding to battle the opioid epidemic, helping ease Puerto Rico’s debt burden, and crafting an aid package for Flint. “What do we have? A continual pattern of constant Republican gridlock everywhere,” he concluded. “They’re in charge of Congress. They set the agenda in Congress. They establish the priorities,” echoed Sen. Dick Durbin (D-Ill.). “Senator Reid is right. Republicans need to do their job.” Once a Senate mantra, House Democrats are getting in on the action too. Rep. Dan Kildee of Michigan, whose district includes the town of Flint, took to the House floor Tuesday morning to chastise Republicans for not moving his aid bill through the chamber. “So far, this House of Representatives has done nothing to help the people of my hometown of Flint, Michigan,” he said. “This is the job of the United States Congress.” His office promoted his floor speech on Twitter with #DoYourJob. Republicans in Congress protest the charge that they are slow-walking critical issues. After all, Senate appropriators are currently working on a deal to boost Zika funding. A Senate panel introduced a bill Tuesday that includes portions of a Flint aid package. And negotiations are ongoing to give Puerto Rico a way to restructure its debt, though they are complicated by dissatisfaction on both sides of the aisle. Nonetheless, a concrete path to enactment remains elusive on all of these fronts.

No hearings – **Carney 4/26**

CARNEY 4/26 (Jordain; The Hill, “GOP blocks slate of Obama judicial nominees,” http://thehill.com/blogs/floor-action/senate/277774-gop-blocks-obama-judicial-nominees-amid-court-fight)

The back-and-forth on the Senate floor comes amid a larger, entrenched battle over filling the Supreme Court vacancy created by the death of Justice Antonin Scalia. Josh Earnest, a spokesman for the White House, said Tuesday that Supreme Court nominee Merrick Garland will meet with six senators this week, including three Republicans. While 11 GOP senators have met with Obama's nominee so far, senators are showing no signs that they support moving forward with his nomination. Only two Republicans — Sen. Mark Kirk (Ill.) and Susan Collins (Maine) — back giving him a hearing. Sen. Michael Bennet (D-Colo.), who is up for reelection, said Tuesday that the GOP strategy is "without precedent." "There’s a reason why no Senate has ever had the audacity to do what this Senate is doing right now, because of how clear that mission is," he added. Bennet met with Garland earlier this month.

No nomination – their evidence is PR hype – meetings are just courtesies. **Cottle 4/8**

Michelle Cottle, "The Senate Will Not Confirm Merrick Garland," Atlantic, http://www.theatlantic.com/politics/archive/2016/04/the-senate-will-not-confirm-merrick-garland/477315/, April 8, 2016. CC

Senators are back from spring break, tanned, rested, and ready to spend the next few months working feverishly to accomplish as little as humanly possible—especially on the matter of poor Merrick Garland’s nomination to the Supreme Court. Listening to the White House, one might get the impression that Republican members are starting to waffle on Garland as Democrats and pro-confirmation forces hammer them for refusing to, as the Twitter meme goes, #doyourjob. In his Monday briefing this week, Press Secretary Josh Earnest touted the “important progress” made in shaming GOP obstructionists. Their unconstitutional shenanigans are “even more difficult to defend when the only reason you’re refusing to take that vote is because you’re taking orders from the Republican leader,” he charged. “That’s why we’ve seen such a large number of Republican senators come forward and indicate that they are, in fact, prepared to meet with the president’s nominee.” Better yet, there has been “a sea change when it comes to actual meetings” with Garland, said Earnest, pointing to the judge’s Tuesday huddles with Susan Collins and John Boozman and an earlier one with Mark Kirk. Then of course, there are the brave few who have gone so far as to voice support for hearings (Collins, Jerry Moran) or even an up-or-down vote (Kirk). All of this, asserted Earnest, has put the majority on what Republican Whip John Cornyn has called the “slippery slope” to confirmation. Now that is some impressive spin. I realize Earnest is a well-compensated PR master, but the guy is slinging some top-shelf, the-Nats-are-going-all-the-way, Donald-Trump-Will-Get-the-Mexicans-to-Pay-For-a-Wall level fantasy here. The recess may have provided Democrats a morale-boosting opportunity to raise a little hell in certain GOP senators’ backyards. But Republicans are no closer to backing down now than when they first heard that Nino Scalia had settled down for that great poker game in the sky. If anything, events of the past several days have driven home why McConnell would have a tough time changing course even if he wanted to. First, take a good, hard look at members’ meetings with Garland, which the White House is spinning as some brewing rebellion against leadership. As Republican staffers will tell you privately, this is the strategy that everyone—leadership, rank-and-file members, and even most outside groups—has settled on: Senators can sit down with the nominee for a chat, maybe even a cup of coffee and a nice pastry, so long as they stick to the party line that hearings are Not. Gonna. Happen. This is, in fact, the position that most members huddling with Garland have stuck to, including Kelly Ayotte, whose Monday announcement that she will meet with him on April 13 generated quite a bit of buzz. Embroiled in a high-stakes reelection race in the blue state of New Hampshire, Ayotte has been a prime target of pro-confirmation protesters. Even so, like Boozman and, more notably, Judiciary Chairman Chuck Grassley (gatekeeper of Supreme Court hearings), she has stressed that her meeting with Garland is a gesture of “respect and courtesy”—and an opportunity to explain why she will not be supporting hearings. And lest anyone suspect him of being a squish, Boozman made sure to issue a statement immediately after his Garland meeting, assuring constituents that he remained unmoved. As for the outliers, there are really only two: Susan Collins has gone rogue by supporting hearings and urging colleagues to meet with Garland, but that’s pretty much par for the course. The gal’s from Maine. What are you gonna do? Illinois’s Kirk, meanwhile, has been aggressively gigging his party brethren. On Wednesday, he issued a memo calling on the rest of the conference to follow his lead in meeting with Garland. Saucier still, in a local radio interview last month, he challenged colleagues to “man up and cast a vote.” But as Kirk likely knows better than anyone, neither Republican lawmakers nor outside groups are all that concerned about what he says or does, because they don’t expect him to be around much longer. Kirk is seen as on track to get his butt whipped by Democratic Representative Tammy Duckworth in November. (Last October, Politico reported that Kirk had already been “written off” by national party operatives.) He is desperately scrambling to salvage his seat by courting Democrats and Independents, but no one much thinks he’ll succeed, so there’s no reason to waste much energy on the guy at this point. To clarify, Collins and Kirk are not the only Republicans to have expressed an openness to hearings. Back in February, Lisa Murkowski told Alaska reporters that she supported holding them for President Obama’s at that point still-hypothetical nominee. More recently, while home over Easter break, Jerry Moran told Kansans that he thought “the process ought to go forward.” And do you know what happened next? Conservative groups took out after Moran with the ferocity of coked-up wolverines. Public denunciations were issued, attack ads were readied, and a last-minute primary challenge was threatened. It took all of 11 days for a bruised and bleeding Moran to issue a statement reversing himself. In the aftermath of Moran’s beatdown, Murkowski’s office felt moved to assure The New York Times that she, too, had changed her mind about hearings. And just like that, conservatives brought to heel two heretics with one hissy fit—and sent an ominous warning to any other senators who might be going soft. Who knows how much arm-twisting Republican Senate leaders even bothered with? (Mitch McConnell’s office is too modest to comment.) The collection of loud, well-organized, well-funded interest groups handled the heavy lifting. Now, maybe something unexpected will happen to make McConnell feel guilty or nervous or simply tired of being the guy responsible for grinding the gears of government to a halt. But even assuming a sudden desire by the majority leader to let Garland proceed, the politics and the calendar of this year would make it tricky. With conservatives now wedded to the stonewalling strategy, any backpedaling before primary season ends could lead to from-the-right challenges to one or more of McConnell’s members. (Taking Kansas as an example, the filing deadline for the state’s August 2 primary is June 1.) Now, factor in that—because of the presidential election—this session of Congress is effectively over by mid-July. Tick. Tock. White House spin notwithstanding, the clock is fast running out. And Senate Republicans have gotten a good look at what happens to colleagues who get out of line. Garland can attend courtesy meetings until his lips bleed from all the smiling and small talk. But unless something happens—and soon—to make that confirmation slope a lot slipperier, his nomination is still going nowhere.

It’s not intrinsic – logical policy would do both since they’d recognize the bad effects of not nominating garland

Forcing controversial fights key to Obama’s agenda. **Dickerson 13**

(John, Slate, Go for the Throat!, www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html)

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### A2 Iran Politics DA

Obama isn’t pursuing further relief now – will tank the deal. **Cullis 4/25**

CULLIS 4/25 (Tyler; National Iranian American Council, “Iran Nuclear Deal at Risk,” <http://www.niacouncil.org/iran-nuclear-deal-at-risk/>) CC

Action will also need to be taken on the sanctions front. Some of us wrote about the troubles surrounding sanctions relief that were likely to arise far in advance and urged the administration to make preparations should Iran fail to see early benefit from the nuclear accord. That advice has unfortunately gone unheeded. The Obama administration has proven reluctant to take action that would incite the furor of its domestic political opponents. As a result, Iran’s current problems are likely to persist into the indeterminate future. Some in the Obama administration hold out the hope that time will remedy all problems, but time does not favor either the U.S. or Iran. Instead, the Obama administration will need to learn that continued inaction may prove riskier than action when it comes to the issue of sanctions relief. Several months remain before the Obama administration departs office. Although the situation is not yet dire, affirmative steps do need to be taken to secure the nuclear accord before a successor moves into the White House.

Veto Proof Majority for Anti-Iran legislation now. **Byrnes 4/28**

BYRNES 4/28 (Jesse; The Hill, “Cotton: White House Iran plan no 'laughing matter',” <http://thehill.com/blogs/blog-briefing-room/news/277985-cotton-white-house-iran-plan-no-laughing-matter>) CC

Sen. Tom Cotton (R-Ark.) on Thursday slammed the White House for mocking his knowledge of the Iran nuclear deal, saying his criticism of a proposal to buy heavy water is no joke. "This guy at the White House may think it's a laughing matter to subsidize Iran's nuclear program, but I don't. I think it's a very serious matter," Cotton said on MSNBC's "Morning Joe." "We are not obligated to take the heavy water; we certainly are not obligated to provide U.S. taxpayer dollars to Iran's nuclear program for that heavy water," Cotton argued. Senate Democrats on Wednesday refused to end debate on an appropriations bill because of an amendment from Cotton blocking the purchase of heavy water from Iran. The Energy Department last week confirmed it was buying 32 tons of Iran's heavy water — which could be used in a reactor to produce material for atomic weapons — in a roughly $8.6 million deal. Obama administration officials have said the U.S. is buying the heavy water from Iran in order to help Tehran reduce its material stockpile as required under the international nuclear deal. But White House press secretary Josh Earnest on Wednesday questioned Cotton's knowledge of heavy water while pushing back on the amendment. "Sen. Cotton is certainty no expert when it comes to heavy water. I’m confident that he couldn’t differentiate heavy water from sparkling water,” Earnest quipped during the daily briefing. Cotton, an Army veteran, shot back in a tweet: "You’re right, I don’t know much about sparkling water. It isn’t served in Army, unlike in your ritzy West Wing." Cotton said Thursday of support for his legislation, "I think I probably have a veto-proof majority."

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Zika, Flint and Puerto Rico Thump. **Dobbs-Allsopp 4/26**

DOBBS-ALLSOPP 4/26 (Will; Morning Consult, “Senate Democrats Expand Scope of #DoYourJob Barbs,” https://morningconsult.com/2016/04/senate-democrats-criticize-republican-inaction/)

It started as the mantra Senate Democrats used to urge their GOP colleagues to grant Supreme Court nominee Merrick Garland a hearing and floor vote: “Do your job.” For weeks, every Democratic tweet urging Senate Judiciary Chairman Chuck Grassley (R-Iowa) and Senate Majority Leader Mitch McConnell (R-Ky.) to take up Garland’s nomination ended with #DoYourJob. At press conferences and in video releases, Senate Democrats brought forward doctors, nurses, and municipal employees to explain what would happen if they refused to do their jobs. Their point, though a tad heavy-handed, was clear: Republican senators are skipping out on work. But with little prospect of a Garland hearing and a number of other pressing issues dominating the news cycle, the #DoYourJob campaign has evolved. Once a movement with the sole purpose of getting Garland a confirmation hearing and vote, the tagline has become a bicameral effort to paint congressional Republicans as generally obstructionist on a host of items. From passing an emergency Zika spending bill to devising a federal response to the water crisis in Flint, Mich., Democrats in both chambers have taken to using the phrase as a convenient shorthand to convey that the GOP is not acting on important priorities. Senate Democratic aides say the broadening of scope was not part of the original Garland strategy, but an outgrowth of GOP inaction on a slew of urgent issues that they say require speedy attention. “We’ve talked and talked about the Republicans not doing their job, and they’re not,” said Senate Minority Leader Harry Reid (D-Nev.), as he lambasted Republican inaction on approving new Zika funds during a weekly press conference Tuesday. He ticked through a list of other items he said the GOP has refused to address: increased funding to battle the opioid epidemic, helping ease Puerto Rico’s debt burden, and crafting an aid package for Flint. “What do we have? A continual pattern of constant Republican gridlock everywhere,” he concluded. “They’re in charge of Congress. They set the agenda in Congress. They establish the priorities,” echoed Sen. Dick Durbin (D-Ill.). “Senator Reid is right. Republicans need to do their job.” Once a Senate mantra, House Democrats are getting in on the action too. Rep. Dan Kildee of Michigan, whose district includes the town of Flint, took to the House floor Tuesday morning to chastise Republicans for not moving his aid bill through the chamber. “So far, this House of Representatives has done nothing to help the people of my hometown of Flint, Michigan,” he said. “This is the job of the United States Congress.” His office promoted his floor speech on Twitter with #DoYourJob. Republicans in Congress protest the charge that they are slow-walking critical issues. After all, Senate appropriators are currently working on a deal to boost Zika funding. A Senate panel introduced a bill Tuesday that includes portions of a Flint aid package. And negotiations are ongoing to give Puerto Rico a way to restructure its debt, though they are complicated by dissatisfaction on both sides of the aisle. Nonetheless, a concrete path to enactment remains elusive on all of these fronts.

Ballistic Missiles Thump. **Cullis 4/25**

CULLIS 4/25 (Tyler; National Iranian American Council, “Iran Nuclear Deal at Risk,” http://www.niacouncil.org/iran-nuclear-deal-at-risk/)

The real danger to the nuclear accord, instead, lies with the congressional response to Iran’s ballistic missile test-launches. As certain U.S. hawks have recognized, Iran is unlikely to suspend development of its ballistic missile program, regardless of the costs the United States imposes. After all, Iran’s ballistic missile program has important historical meaning for Iranians following their experiences during the Iran-Iraq War. Tehran’s ballistic missiles are one of its few deterrents to potential external aggression, which has been widely threatened over the past decade. Nonetheless, congressional hawks view the ballistic missile issue as instrument with which they hope to undermine the nuclear accord. Indeed, we have now entered into a dangerous cycle, wherein Iran test-fires a ballistic missile, the Obama administration responds with a new round of sanctions designations, and Congress threatens more drastic legislative action to adequately deal with the threat. This cycle is, by its very nature, escalatory, as Iran will continue to test-launch ballistic missiles and Congress will increasingly view the Obama administration’s response as inadequate to the challenge. Congressional hawks will ramp up the pressure on Democrats to accede to their legislative efforts. Such legislation will target Iran’s banks, which will be alleged to provide financial support for entities involved in the development of Iran’s ballistic missile program. Congress will argue that such sanctions do not technically violate the nuclear accord. Although that point is debatable, the re-imposition of any banking sanctions would fatally undermine Iran’s incentive to continue to comply with the nuclear agreement.

### A2 JASTA DA

Won’t Pass – Sovereign Immunity Concerns. **Ahmed 4/28**

AHMED 4/28 (Akbar Shahid; Huffpost Politics, “This Congressman Doesn’t Buy Obama’s Excuses For Supporting Saudi Arabia In Yemen,” <http://www.huffingtonpost.com/entry/ted-lieu-barack-obama-saudi-arabia-yemen_us_571e8a26e4b01a5ebde305a5>)

It’s unclear how much more support the measure will gain. Two other congressional efforts that risk offending the Saudis have attracted attention in recent weeks: a bill colloquially known as JASTA that would allow the families of 9/11 victims to sue the Saudi government over suspicions that it facilitated the al Qaeda attacks; and a resolution calling on Obama to declassify 28 pages of a U.S. report believed to describe Saudi links to the terror attacks. Speculation over the classified pages continues to bolster public skepticism of the kingdom. Lieu said his hunch about what the pages might reveal led to one of the most contentious parts of his new proposal for arms sales to the Saudis: that the U.S. guarantee that the Saudi government is not supporting terror organizations. To even call that into question would be a big step in the relationship with a decades-long partner. Meanwhile, Saudi attempts to improve the kingdom’s image in the U.S. have largely faltered. But though JASTA appeared to gain steam this month when The New York Times revealed harsh Saudi attempts to undermine it, the proposal’s chances of becoming law have plummeted since the White House began describing the effect the law would have on sovereign immunity for the U.S. and made clear that Obama would veto it.

Turn **-** the plan is immensely bipartisan and unifying. **Jensen 15**

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Relations shot now. **DePetris 4/28**

DePETRIS 4/28 (Daniel R.; associate analyst at the Raddington Group, “Obama Is Siding with Saudi Arabia over 9/11 Victims,“ http://nationalinterest.org/blog/the-skeptics/obama-siding-saudi-arabia-over-9-11-victims-15972)

The seven-decade-old bilateral relationship between the United States and Saudi Arabia is in rough waters. On seemingly every major issue of importance in the Middle East, Washington and Riyadh are either locking horns on strategy or arguing with one another over how a particular goal should be met. More often than not, the Obama administration and the al-Saud ruling family share the very same objectives in the region. Both, for instance, want Bashar al-Assad’s rule to end in Syria; both wish that Yemen’s internationally recognized government will eventually have the strength to reinstate itself in the capital; and U.S. and Saudi leaders are increasingly of one mind on the barbarity that the Islamic State represents. And yet, the United States and Saudi Arabia have different plans for meeting the same objectives. While President Obama and King Salman would be equally ecstatic if Assad put his country first and left Syria tomorrow, Salman would rather see him six feet underground instead of in a jail cell at the Hague.

The Saudis are bluffing. **Williams 4/26**

WILLIAMS 4/26 (Armstrong, TownHall, “Response to 9/11 Victims Claims Reflects an Impending Shift in the U.S.-Saudi Relationship,” <http://townhall.com/columnists/armstrongwilliams/2016/04/26/response-to-911-victims-claims-reflects-an-impending-shift-in-the-ussaudi-relationship-n2153527>)

Saudi Arabia has reportedly indicated to members of the Obama Administration that should JASTA become law, it would immediately liquidate and repatriate its U.S. assets. This singular act would constitute a major break in the U.S.-Saudi alliance, and it cannot be an unexpected consequence of JASTA’s passage. Saudi Arabia’s position, is that even if it were ultimately cleared of involvement in the attacks, its assets could be frozen indefinitely by U.S. courts pending the outcomes of the cases. The illiquidity risk would reduce the value of its investments significantly, causing it to rethink the idea of investing in the United States. No one doubts that such a divestment under fire-sale conditions could potentially cause global economic turmoil, although the U.S. could ultimately withstand such a temporary shock. What isn’t so clear is whether Saudi Arabia could withstand U.S.-pullback in its military and defense commitments to the region – especially given the recent instability involving ISIS, Iran, the failing regimes in Yemen, Syria and Libya. All of these pose potentially existential threats to the Saudi regime. The time may have come for Saudi Arabia to play ball on our terms. This will require it to clean house – addressing the issue of financial support for Islamic extremism within Saudi Arabia, and to contribute its fair share for the shared security arrangement in the region.

Ryan won’t bring it up for a vote. **Clift 4/19**

CLIFT 4/19 (Eleanor; The Daily Beast, “Paul Ryan Backs Release of the 28 Pages from the 9/11 Report,” <http://www.thedailybeast.com/articles/2016/04/19/paul-ryan-backs-release-of-the-28-pages-from-the-9-11-report.html>)

With bipartisan pressure building to declassify 28 pages from a 2003 congressional report on the 9/11 attacks, House Speaker Paul Ryan became a cautious yes on Tuesday indicating through a statement from his press secretary that he is deferring to the judgment of House Intelligence Committee Chairman Devin Nunes, who after a powerful report on CBS News’ “60 Minutes,” last week put out this statement: “The benefits of publishing this information would outweigh any potential damage to America’s national security. I encourage the administration to declassify this section of the Joint Inquiry into the 9/11 attacks.” AshLee Strong, Ryan’s press secretary, noted in her statement that the speaker “defers to his (Chairman Nunes) judgment on whether a report from his Committee should still be classified. Ultimately, however, this is a question for the president since he makes classification decisions.” Ryan’s less-than-ringing endorsement reflects his cautious personal style plus the tricky politics of the Middle East on Capitol Hill. As Speaker, he follows what he calls a bottom-up approach, letting committee chairs take the lead in their subject matter. Even so, it took several days and numerous media inquiries after Chairman Nunes made his statement to clarify where Ryan stood. That’s where the multi-layered politics of the Middle East come into play, at home and abroad. In the House, 43 lawmakers (27 Democrats, 16 Republicans), who have now signed a resolution calling for declassification. Among the recent signers is New York Rep. Charlie Rangel, who confessed he has not gone to the vault on Capitol Hill where the 28 pages are kept to read them because he didn’t want the burden of keeping what he read secret. President Obama too said in an interview he hasn’t read the pages but has a “sense” of what’s in them. A statement from September 11th Advocates, survivors and family members of those who died, said they were “horrified” to watch Obama’s public admission. The president did say that a process of review is underway at the NSA, and suggest the document is likely to be made public later this year. Ahead of what’s likely to be a chilly trip to Saudi Arabia for President Obama, pressure is also mounting in the Senate for a narrowly tailored piece of legislation that would allow 9/11 survivors and families to sue the Saudi government for compensation. It’s called JASTA (Justice Against Sponsors of Terrorism Act), and Democratic candidates Hillary Clinton and Bernie Sanders have endorsed it even as the White House is lobbying hard against it. Obama says it would open the door for foreign governments and individuals to sue the U.S. government, and when Speaker Ryan was asked about JASTA, he was even more cautious about the legislation than he is about the 28 pages. The conventional wisdom, such as it is in this unconventional election year, says if JASTA reaches Obama’s desk, he would veto—and it’s unlikely there would be enough votes to override his veto. At this point, almost 15 years after the 9/11 attacks, what is the motivation for the continuing secrecy? It’s a combination of factors from protecting the administration that was in power at the time to protecting a whole web of relationships between politicians and business interests with Saudi Arabia and its royal family, which by some estimates includes as many as 6,000 Saudis that claim royal bloodlines. Keeping those pages under wraps is also “protecting a relationship that is highly problematic but still has a great deal of value for the United States,” says Jonah Blank, a senior political scientist at the Rand Corporation. Now that U.S. dependence on oil has lessened, more lawmakers are ready to blow the whistle on the dangerous extremism that the Saudis sponsor around the world. Since the “60 Minutes” broadcast that featured the co-chairs of the joint congressional committee that wrote the 2003 report along with several members of the 9/11 Commission from both sides of the political aisle calling for declassification of the 28 pages, the number of lawmakers willing to publicly join the cause to call out the Saudis has been steadily increasing. After House Minority Leader Nancy Pelosi issued a statement calling for the pages to be made public, it was natural to ask where Speaker Ryan was on the issue. His office last week said he had nothing to say at the time, but left the door open. Republicans have been a bit slower than Democrats to jump on the bandwagon, and that’s partly a function of the party’s political positioning on Iran. “It’s a fact of Middle East politics that the harder line you want to be against Saudi Arabia, the more flexible you have to be on Iran,” says Rand’s Jonah Blank. Put more directly, politicians that oppose the nuclear deal that Obama negotiated with Iran are by default siding with the Saudis, who vehemently opposed the deal. You can’t be an uncompromising hawk against both the Saudis and the Iranians at the same time. Unless of course you’re Donald Trump and you can say ‘screw them all,’ but not if you’re a responsible player in geo-politics, which Ryan’s commendable caution suggests he is.

### A2 Opioid DA

Zika, CJS, appropriations all thump. **Steinhauer 4/29**

Jennifer Steinhauer, "Another Chance for Bipartisan Achievement Slips Away," New York Times, http://www.nytimes.com/2016/04/30/us/politics/another-chance-for-bipartisan-achievement-slips-away.html?\_r=0, April 29, 2016. CC

Republicans, rather than rallying with joy around a nominee on the rise, this week settled into a bit of a hate dance with Donald J. Trump, in a bizarre bunny-hop of new endorsements, feeble thumbs up and continued denial and rage. Distrust between Congress and Mr. Obama — at times involving even the president’s own party — and a Republican allergy to almost any increased federal spending have combined into a contentious brew that led this week to the unraveling of a basic appropriations bill, an unsettled fight over funding to combat the Zika virus and a dim horizon for once-promising items like an overhaul of criminal justice laws. Other bills that left the committee on a wave of bipartisan bliss have been parked outside the House and Senate floors, and many judicial nominations are stalled. Republicans say it is Mr. Obama’s fault, for being too far from them on every policy issue, and using executive orders and regulations over legislative wooing to get to achieve his ends. “This is my third president I’ve served with,” Speaker Paul D. Ryan said on Thursday. “I’d say this is the most ideological president I’ve ever served with. He’s very dogmatic in pursuit of his ideology, and therefore I don’t see a bridging of the gap because of the nature of this presidency.” Democrats blame the far right of the Republican Party, which they say has dictated the terms of congressional action, and more often, inaction, for years. That in turn pushes Democrats farther from the compromise mode. “The forces in our politics are pushing things to the extreme,” said Senator Chuck Schumer, Democrat of New York who stood with several of his colleagues on Thursday to deride Republicans over their own to-do list of legislation and confirmations left waiting. “The old forces that once brought things together are now pulling them apart. On both sides, but mostly on their side.” It has not always been this way. President Harry S. Truman’s National Security Act of 1947 was forged with a Republican Congress before the brutal campaign of 1948. Ronald Reagan achieved major Social Security amendments and a rewrite of the tax code in 1986. President Clinton reached a landmark agreement with the Republican Congress to dismantle the New Deal-era federal welfare program in 1996, his re-election year. “There was partisanship but always more possibilities for deals since factions in each party had incentives for working across the aisle,” said Julian E. Zelizer, a professor of history and public affairs at Princeton University. “That has changed.” He added, “The entire political process in the current age — especially with the 24-hour media — in my mind makes legislative negotiation almost impossible. Deals are reported before legislators even know about them, which gives activists and interest groups time to mobilize and kill them.” It may not help that the last end-of-a-term spark of bipartisanship, under George W. Bush during the financial crisis, produced the Troubled Asset Relief Program, or TARP, the Wall Street bank bailout now proved to be a political disaster and that helped beget the Tea Party and the deepening partisan divide. Some things are simply more complicated than they appear, or that partisan talking points capture. For instance, Democrats this week twice filibustered a basic energy and water appropriations bill — one that was chosen because it seemed so easy to pass — because of an amendment, offered by Senator Tom Cotton, Republican of Arkansas, that would bar the United States from purchasing water used in producing nuclear energy and nuclear weapons from Iran, arguing that it was a poison pill that would trigger a White House veto. True. What they did not say is that the reason it would trigger that veto is because it would most likely pass, with the help of Democrats who are wary of Iran. Republicans say they will not offer an additional $1.9 billion to fight the Zika virus because the White House has not explained how it will spend the money; “explaining” being open to interpretation since the administration provided a lengthy memo on just that. What Republicans are not saying is that they fully intend to release the money, just not as the appropriations process begins because they do not wish to further inflame spending issues with their colleagues in the House, who have their own internal struggles with passing a budget and appropriations measures.

**Turn -** the plan is immensely bipartisan and unifying. **Jensen 15**

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Won’t pass the house and lacks key provisions **Evans 4/29**

(Christopher; “Heroin bill passed swiftly by U.S. Senate sinks in House,” http://www.cleveland.com/metro/index.ssf/2016/04/opioid\_crisis\_victim\_of\_congressional\_stalemate.html

President Barack Obama said recently that the opioid crisis is as serious a threat to the country as terrorism. The U.S. Senate introduced the Comprehensive Addiction and Recovery Act Feb. 12 to fight heroin addiction. In a rare act of rapid responsiveness, less than five weeks later the Senate passed the bill on a 94-to-1 vote. A bill to fight heroin and opioids, which still needs House of Representatives approval, will give local authorities more options for dealing with drug addiction and drug offenders. It went to the House on March 4 and sunk without a trace. Not a single hearing has been scheduled. "We worked with the House for three years to write the legislation," said Sen. Rob Portman. "It's not like we ignored them." The Cincinnati Republican – who co-authored the bill and remains its most vocal champion – said that the understanding was that both chambers of Congress would work together in a bipartisan manner to craft pro-active legislation to treat the public health epidemic cratering rural, urban and suburban communities across the United States. The Senate would pass it. The House would follow suit. And Obama would sign it into law. "I urged them to take up the [Addiction and Recovery Act]," Portman said. "They mistakenly chose not to." Why the House punked Political apparatchiks – who prefer to remain anonymous – point to U.S. Rep. Paul Ryan. When the Wisconsin Republican took over as Speaker of the House last October his strategy to restore consensus among the party faithful was to embrace a culture of inclusion. "We need to let every member contribute," Ryan said at the time. "Open up the process. Let people participate." The result: "Everybody wants a piece," said U.S. Rep. Tim Ryan. The Niles Democrat -- who is not related to Paul Ryan – sponsored the House version of the Senate Recovery Act. He figured his colleagues would stick to the plan. Instead, they created a blizzard of bills – a dozen at last count -- related to opioid and heroin abuse. Worse, none of those bills included a critical component of the Senate-passed legislation: The initiative to develop, expand and enhance treatment services, said Ryan, chair of the House Addiction and Recovery Caucus. Patty McCarthy Metcalf, executive director of Faces & Voices of Recovery, a national advocacy organization, wrote in a letter Portman quoted on the Senate floor that the lack of recovery provisions "will prolong the crisis of addiction by not providing the critical support in communities across our nation where it is needed most." Ryan agrees. He believes the Senate bill is much more comprehensive than the various House versions. "It's a shame it's taken so many funerals to get Congress off the dime," Ryan said. "We're gonna keep pushing for the recovery component." The timeline House Majority Leader Kevin McCarthy, a California Republican, told the Washington Post that he anticipated the bundle of bills would hit the floor the week of May 9. "Every day Congress fails to do its job is another day we lose Ohioans to this epidemic," U.S. Sen. Sherrod Brown – who supports the Recovery Act -- wrote in an email.

Flint and ZIka Thump. **McIntire** **4/27**

(Mary Ellen; Morning Consult, “Democrats, Again, Accuse Republicans of Dragging Feet on Zika,” https://morningconsult.com/alert/house-democrats/)

Democrats from both chambers teamed up to pressure Republicans to fund $1.9 billion for Zika virus Wednesday, echoing a similar message they’ve been pushing for the past few weeks. Zika is an emergency, Senate Minority Leader Harry Reid said, arguing that offsetting an appropriation to respond to the outbreak is unnecessary. “If this is not an emergency, there’s nothing that is,” he said at a press conference. “We should have no offsets.” House Minority Leader Nancy Pelosi said there were too many emergency needs, such as Flint, Mich., and responding to the opioid crisis in addition to the Zika outbreak, to be able to offset funds. “There’s just not enough to offset,” she said. “We’re down to budget priorities that cannot be cut forward.”

It’s not intrinsic – logical policy would do both since they’d recognize the bad effects of not passing CJS reform

Forcing controversial fights key to Obama’s agenda. **Dickerson 13**

(John, Slate, Go for the Throat!, www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. He has abandoned that. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift.

### A2 Puerto Rico DA

Won’t pass – GOP leaders are set. **Werner 4/26**

Erica Werner, Associated Press, "House GOP leader says Congress will not help with Puerto Rico's financial catastrophe," Business Insider, http://www.businessinsider.com/ap-house-gop-leader-no-help-for-puerto-rico-before-deadline-2016-4, April 26, 2016. CC’

In fact, McCarthy and House Speaker Paul Ryan have been adamant there will be no bailout. Instead the bill they back would set up a control board that could help the commonwealth restructure its ballooning debt, some of it resulting from decades of Washington tax policies that encouraged investment in Puerto Rico, then drove it away. "We're going to protect taxpayers, it will not be a bailout," McCarthy said. "And if we don't proactively do that we could be in a situation that puts taxpayers at risk." McCarthy sought to shift some of the blame to the Obama administration, claiming lawmakers have been waiting for some answers from the Treasury Department. "We'll get it done as soon as possible. The most important thing to do here is to get it done right," he said.

Zika, CJS, appropriations all thump. **Steinhauer 4/29**

Jennifer Steinhauer, "Another Chance for Bipartisan Achievement Slips Away," New York Times, http://www.nytimes.com/2016/04/30/us/politics/another-chance-for-bipartisan-achievement-slips-away.html?\_r=0, April 29, 2016. CC

Republicans, rather than rallying with joy around a nominee on the rise, this week settled into a bit of a hate dance with Donald J. Trump, in a bizarre bunny-hop of new endorsements, feeble thumbs up and continued denial and rage. Distrust between Congress and Mr. Obama — at times involving even the president’s own party — and a Republican allergy to almost any increased federal spending have combined into a contentious brew that led this week to the unraveling of a basic appropriations bill, an unsettled fight over funding to combat the Zika virus and a dim horizon for once-promising items like an overhaul of criminal justice laws. Other bills that left the committee on a wave of bipartisan bliss have been parked outside the House and Senate floors, and many judicial nominations are stalled. Republicans say it is Mr. Obama’s fault, for being too far from them on every policy issue, and using executive orders and regulations over legislative wooing to get to achieve his ends. “This is my third president I’ve served with,” Speaker Paul D. Ryan said on Thursday. “I’d say this is the most ideological president I’ve ever served with. He’s very dogmatic in pursuit of his ideology, and therefore I don’t see a bridging of the gap because of the nature of this presidency.” Democrats blame the far right of the Republican Party, which they say has dictated the terms of congressional action, and more often, inaction, for years. That in turn pushes Democrats farther from the compromise mode. “The forces in our politics are pushing things to the extreme,” said Senator Chuck Schumer, Democrat of New York who stood with several of his colleagues on Thursday to deride Republicans over their own to-do list of legislation and confirmations left waiting. “The old forces that once brought things together are now pulling them apart. On both sides, but mostly on their side.” It has not always been this way. President Harry S. Truman’s National Security Act of 1947 was forged with a Republican Congress before the brutal campaign of 1948. Ronald Reagan achieved major Social Security amendments and a rewrite of the tax code in 1986. President Clinton reached a landmark agreement with the Republican Congress to dismantle the New Deal-era federal welfare program in 1996, his re-election year. “There was partisanship but always more possibilities for deals since factions in each party had incentives for working across the aisle,” said Julian E. Zelizer, a professor of history and public affairs at Princeton University. “That has changed.” He added, “The entire political process in the current age — especially with the 24-hour media — in my mind makes legislative negotiation almost impossible. Deals are reported before legislators even know about them, which gives activists and interest groups time to mobilize and kill them.” It may not help that the last end-of-a-term spark of bipartisanship, under George W. Bush during the financial crisis, produced the Troubled Asset Relief Program, or TARP, the Wall Street bank bailout now proved to be a political disaster and that helped beget the Tea Party and the deepening partisan divide. Some things are simply more complicated than they appear, or that partisan talking points capture. For instance, Democrats this week twice filibustered a basic energy and water appropriations bill — one that was chosen because it seemed so easy to pass — because of an amendment, offered by Senator Tom Cotton, Republican of Arkansas, that would bar the United States from purchasing water used in producing nuclear energy and nuclear weapons from Iran, arguing that it was a poison pill that would trigger a White House veto. True. What they did not say is that the reason it would trigger that veto is because it would most likely pass, with the help of Democrats who are wary of Iran. Republicans say they will not offer an additional $1.9 billion to fight the Zika virus because the White House has not explained how it will spend the money; “explaining” being open to interpretation since the administration provided a lengthy memo on just that. What Republicans are not saying is that they fully intend to release the money, just not as the appropriations process begins because they do not wish to further inflame spending issues with their colleagues in the House, who have their own internal struggles with passing a budget and appropriations measures.

**Turn -** the plan is immensely bipartisan and unifying. **Jensen 15**

Tom Jensen. Public Policy Polling. “82% of Americans Support Preventing Domestic Abusers From Buying Guns” July 22, 2015. CC

Public Policy Polling surveyed 636 registered voters on June 19th and 20th on behalf of the Center for American Progress Action Fund. The survey’s margin of error is +/-3.9%.

A new Public Policy Polling survey finds that 82% of Americans would support legislation prohibiting anyone convicted of stalking or domestic abuse against a dating partner from buying a gun. Only 11% are opposed to such a bill. What is particularly striking is the broad support across all demographic lines for keeping guns out of these people’s hands. Key findings from the survey include: -There’s a broad bipartisan consensus in support of this change to the law. Democrats support it 92/3, independents do 82/10, and Republicans do by a 68/23 spread. It is very hard to find any policy proposal that more than two thirds of both Democrats and Republicans support these days. -Gun owners have no problem with this bill- in fact they strongly support it. 80% of gun owners think it’s a good idea, compared to only 12% who are opposed to it. Those numbers are little different from the 87/7 support it has with non-gun owners. -There’s also an overwhelming mandate for this legislation across gender lines. Women are particularly supportive of it, with 87% favoring it to only 6% who are opposed. But attitudes among men aren’t much different- 77% of them are in support with only 16% against. -Greater than 80% support for the proposal exists across all racial groups. Hispanics (92/6) and African Americans (89/1) both give it near unanimous support, with whites (80/13) overwhelmingly in favor as well. In this era of divisive politics, there is little that 82% of Americans agree about. But prohibiting people convicted of stalking or domestic abuse against a dating partner is something that brings every segment of the electorate together. This would be a unifying and popular law to pass.

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Puerto Rico debt bill won’t pass – widespread opposition. **Badelat 4/29**

“As Congress balks, Puerto Rico on brink of financial meltdown,” The CT Mirror, Ana Radelat, 4/29/16.

As the hours tick down toward Puerto Rico's default on a massive debt payment Sunday, Congress has so far rejected solutions offered by Connecticut lawmakers and some Republican leaders to save the commonwealth from economic ruin.¶ GOP leaders say Congress will miss a May 1 deadline to help Puerto Rico with a $422 million debt repayment that’s due that day. An even bigger crisis could come on July 1, when a $2 billion payment is due, raising the specter of default on some of the territory’s general obligation bonds.¶ But House conservatives say they are worried the bill, which would institute a financial oversight board over Puerto Rico and restructure its debt, could stifle the bond market. It also has been opposed by the hedge fund industry.¶ “Given the magnitude of the problem and length of time that has passed without action, I was extremely disappointed to learn…that Congress will still not have addressed the crisis in Puerto Rico by May 1st," said Rep. John Larson, D-1st District. “Speaker [Paul] Ryan has consistently pledged that he will work to try to address these issues, and I take him at his word.¶ Conneticut’s Latino and Puerto Rican Affairs Commission and a number of state Latino advocacy groups also had urged Ryan to meet the deadline.¶ Without restructuring, Puerto Rico’s constitution requires that payments to creditors, such as bondholders, receive priority over those to pensioners. House Republicans wrote their first draft of the bill to maintain the order of creditor priority, but unions and Democrats are pushing back, saying the bill must include language placing recipients of Puerto Rico’s government pensions ahead of any other creditors.¶ Meanwhile a group called the Center for Individual Freedom is running ads pressuring lawmakers to reject the Puerto Rico bill. The ads say the legislation amounts to a financial bailout, even though the bill provides no direct financial aid.¶ There’s opposition to provisions in the bill from the island’s government and Latino advocacy groups like the Hispanic Federation, which has a presence in Connecticut.¶ They say the proposed oversight board would strip Puerto Rico of its sovereignty.¶ “We believe this section undermines local democracy in Puerto Rico, and so we oppose this, the Hispanic Federation said.¶ The federation and many Democrats are pushing to allow Puerto Rico to restructure all of its debt.¶ Congress has rejected, for now, a proposal sponsored by Sen. Richard Blumenthal, D-Conn., and backed by other Connecticut lawmakers who want to extend Chapter 9 bankruptcy protection to Puerto Rico. Unlike the 50 states, Puerto Rico is excluded from Chapter 9 of the U.S. bankruptcy code, which allows municipal governments and public agencies, though not the states themselves, to restructure their debt during a crisis.¶ Opponents of Blumenthal’s bill said it would not be fair to bondholders who invested in the island with the understanding it could not file for bankruptcy.¶ Blumenthal, however, said his bill has not been rejected yet by a Senate vote “and now that the situation is so dangerous, perhaps there will be action.”

Puerto Rico debt bill won’t pass – Congress inaction and legal fights stop solvency. **Kim 4/28**

“What Puerto Rico Needs From Congress Ahead of May 1 Debt Deadline,” Susanna Kim, 4/28/16, ABC News.

Puerto Rico is facing its biggest debt deadline yet on May 1, but Congress, which experts say is the territory's only hope, likely won't be doing anything about it.¶ “Congress holds keys to solving the situation," economist Aleksandar Tomic told ABC News about the territory's $73 billion debt crisis.¶ On May 1, a $422 million payment is due to Puerto Rico's Government Development Bank, its biggest yet. Its upcoming deadline of $2 billion looms even more ominously. There is one immediate way that Congress could help, Tomic said, which is re-instating Chapter 9 bankruptcy protection afforded to mainland municipalities. That provision was stripped of Puerto Rico by Congress in 1984 and there is no real reason Congress could not re-instate it, according to Tomic.¶ "This would allow Puerto Rico to try and engage debt holders in restructuring efforts that might help avoid the dire economic consequences of full bankruptcy," said Tomic, Boston College's Woods College of Advancing Studies program director of Master of Science in Applied Economics. In June, the territory's governor declared that it could not pay its debts. Since then, there's been little done to help the territory's debt crisis, thought 3.5 million American citizens reside there. The unemployment rate in Puerto Rico is 11.8 percent, while its population has shrunk by more than 5 percent in the last decade. Meanwhile, the cost of living has skyrocketed as per capita income is as low $19,000 per year. The Puerto Rican debt is small enough that any default will not, in and of itself, create a significant economic event on the mainland, nor in the world financial system, Tomic said.¶ "However, it will be catastrophic for Puerto Rico, as island government might not be able to provide even the basic services," Tomic said. "The exodus of businesses and populations will continue, and the territory will fall deeper into a downward spiral of missing debt payments, shrinking economy, and exodus of an able-bodied and employable population."¶ On Tuesday, Republican House Majority Leader Kevin McCarthy said Congress won't be acting to push legislation to help Puerto Rico in time for the May 1 deadline.¶ “Congress can, of course, bail out Puerto Rico, and for all the political grandstanding currently taking place, this option might become viable if the plight of Puerto Rico's population gains enough media attention," Tomic said.¶ Beside Congress' inaction, Puerto Rico also faces legal battles between the bondholders and the territory's government, "but these are par for the course in any bankruptcy situation," Tomic said.¶ McCarthy has said he isn't in favor of a bailout.¶ "We're going to protect taxpayers, it will not be a bailout," the California congressman said, according to the Associated Press. "And if we don't proactively do that we could be in a situation that puts taxpayers at risk."¶ A draft bill has been stuck with the House Natural Resources Committee, which would have put into place a restructuring of Puerto Rico's $70 billion debt had the scheduled committee action taken place on April 14.¶ “All in all, the economic situation in Puerto Rico is dire, and it is simply a question how much worse will it have to get before Congress steps in, most likely with a bailout," Tomic said.

### A2 PV Elections DA

1. Scalia fights means Hilary will win – this is predictive – **1/29**

Amanda Marcotte, "The Republican Supreme Court tantrum is a gift to Democrats, especially to Hillary Clinton," Salon, http://www.salon.com/2016/02/15/the\_republican\_supreme\_court\_tantrum\_is\_a\_gift\_to\_democrats\_especially\_to\_hillary\_clinton/, January 29, 2016. CC

In an astounding display of partisan pettiness that is low even for their bottom-feeding standards, Republicans came together as one within hours of Justice Antonin Scalia’s death to register their outrage that this Barack Obama fellow dare suggest he should nominate a replacement, just because the Constitution, which every conservative swears he sleeps with under his pillow at night, says he should. The disingenuous posturing about how a president who has an entire year left in his term should simply stop doing his job is even more transparent than usual. Everyone knows the real reason is the conservative base has never accepted that a black Democrat could be a legitimately elected President, and after 7 years of having to live with a President the majority of white voters voted against, Republicans are going to use this as a chance to throw a nationwide temper tantrum. The next few weeks, possibly months (possibly 11 months!) are going to suck for whatever sacrificial lamb (or lambs) Obama throws up for the Republicans to reject in an impotent attempt to register their continuing anger that he just keeps sitting in the White House like the duly elected President he is. But for the rest of the Democrats, this is going to be a political boon. This goes double for Hillary Clinton, who will be able to use the ongoing fight over the Supreme Court to push her argument that her brand of liberal politics is the best fit for our current political climate, better both than the idealism offered by Bernie Sanders and than the politics of obstruction and resentment that define all her Republican opponents. It says a lot about our current political situation that the best outcome for the Democrats is almost surely what the Republicans are threatening to do, which is to stonewall anyone Obama nominates, just because he’s Obama and they have a superstitious belief that everything he touches is unclean. While it’s going to be a policy disaster to have a court that is set up to tie so many important decisions, having the Republicans loudly proclaim that they prioritize impotent insults aimed at the President over actual governance is a political boon of the sort that you can’t buy even with Citizens United money. Every day this drags out, the news will be a glorious reminder to the voters that the Republicans are such babies that they shouldn’t be trusted to run a small town McDonald’s franchise, much less be given so much power in the U.S. government. This is especially delicious since the only Republican candidate who has a chance to walk away from this unscathed — maybe even finding a way to turn it to his advantage— is Donald Trump. The two candidates who are currently best positioned to unseat Trump, Ted Cruz and Marco Rubio, are both senators and both have indicated their willingness to join their fellow Republicans in the Senate in blocking whoever Obama nominates, just because he nominated them. The bad loser vibe, where Republicans punish not just Obama but the whole country because they refuse to accept he won the 2012 election fair and square, will rub off on them. Trump, however, has a real chance here to score some points. Vague promises that he will straighten up D.C. and end all this pointless bickering and gridlock— because he’s a winner who gets things done or whatever empty braggadocio he wants to throw out— and he can set himself apart from Cruz and Rubio, all without actually having to commit to either offending the Obama-hating base or having to endorse the astounding immaturity that has infected every last member of the congressional Republican caucus. All of which is simply fantastic for whatever Democrat wins the nomination, of course, but there will likely be down ticket effects, too. Every single Democrat running for Congress will be able to point to this story about Republican-caused gridlock and promise that electing them will help ungum the works. It’ll be a simple, effective pitch that happens to have the benefit of being completely true. But no Democrat is going to benefit more from this than Hillary Clinton. He campaign has struggled to come up with an effective counter narrative to Bernie Sanders’ economic populism, but finally seemed to have come up with a promising one during the last debate: Painting Sanders as a “single issue” candidate and herself as someone more well-rounded. That even if more Wall Street bankers face consequences for their corrupt actions, problems like racism and sexism will persist and hold people back, and that she is better equipped to handle the big picture. The Supreme Court fight will be exhibit No. 1 for this argument. Besides irrational Obama hatred, the Republicans will be throwing a fit because they fear that whoever Obama nominates will be pro-choice, pro-gay, and opposed to excessive police violence and elaborate schemes to deny people of color the right to vote. This will bolster Clinton’s argument that Sanders’s laser-like focus on Wall Street is missing the point. After all, the Supreme Court isn’t on Wall Street, but it has tremendous power over the lives of everyday people. Beyond that, the fight over the next justice will amplify one of the biggest criticisms of the Sanders campaign, its the pie-in-the-sky quality. Almost all presidential candidates over-promise, but what Sanders offers voters — free college, single payer health care — would never pass through the legislature, even if, by some miracle, Democrats swept congressional elections and regained the majority. We know this, because Obama had just these advantages, and his signature health care legislation didn’t even have a public option attached. The fact that Sanders is promising a bunch of stuff he probably could never deliver hasn’t hurt him too much, because presidential campaigns are often unmoored from the nitty-gritty concerns of everyday governance and conducted largely in the realm of the symbolic and aspirational. But with headlines about the campaign competing with headlines about the congressional fight over this nomination, it will become impossible to keep discussion about how you get things done in D.C. at bay. Clinton will be able to use this as a way to illustrate that getting things done really is a lot harder than simply wanting it badly enough. The Republicans have been caught up in a death spiral for a long time, where appeasing the base is unavoidable but makes them even more unpopular with the general public. This is just more of the same. The smart political move would be to let Obama have his judge and live to fight another day. But since that will be framed as capitulation by the conservative press, the Republicans will have to take this on, dismantling what is left of their reputation in the eyes of the general public. If you’re working for the DNC right now, I’d make sure the fridge is well-stocked with champagne.

**1.** Betting odds predict Hilary will win – they’re most accurate. **Stossel 2/7**

John Stossel. “Why Marco Rubio and Hillary Clinton are 2016's likely nominees.” 2/7/16.

In our new Fox News TV special, “Tech Revolution” at 8 and 11 pm ET Sunday night, we’ll explain why the better way to predict winners is to look at betting odds. They give Marco Rubio more than a 50 percent chance of winning the nomination, and Hillary Clinton an 80 percent chance.¶ Betting odds have a better track record than polls or pundits. They come from people who put their own money on the line, rather than people who just mouth off.¶ George Mason University economist Robin Hanson puts it this way: Imagine you’re in a bar…¶ “You're pontificating -- and somebody challenges you and says, ‘want to bet?’ All of us, as soon as somebody says ‘want to bet?’ -- we pause. And go, ‘do I really believe that?’”¶ You are more careful when you bet. If you aren’t, you lose money. Think the odds above are wrong? Put your money where your mouth is. ¶ American politicians banned most political prediction markets, but they’ve allowed a few, like PredictIt.org.¶ PreditctIt’s odds are a little off because bettors may not trade more than $850 per candidate. The odds on bigger unrestricted markets, like England’s Betfair.com, are more informative. Because Betfair posts those odds in confusing gambling formulas, the two of us simplify them for Americans here: ElectionBettingOdds.com.¶ These odds update every five minutes.¶ Prediction markets like Betfair are not run by sketchy bookies. They are businesses that operate the way stock markets do – people buy and sell “shares” that pay out based on whether a candidate is successful. Today, for about 10 cents, you can buy a share of Trump. If he becomes president, you win a dollar.

**2.** Sanders won’t win – unpopular with establishment who’s support matters more. **Shaw 2/10**

JAZZ SHAW. “How Bernie Sanders lost the New Hampshire primary.” Hot Air. 2/10/16

If you thought the way the Democrats count the votes in Iowa is messed up, that’s nothing compared to the way they wrangle their delegates. The Daily Caller has a good breakdown of this farce which takes place every four years.¶ New Hampshire has 24 “pledged” delegates, which are allotted based on the popular vote. Sanders has 13, and Clinton has 9, with 2 currently allotted to neither.¶ But under Democratic National Committee rules, New Hampshire also has 8 “superdelegates,” party officials who are free to commit to whomever they like, regardless of how their state votes. Their votes count the same as delegates won through the primary.¶ New Hampshire has 8 superdelegates, 6 of which are committed to Hillary Clinton, giving her a total of 15 delegates from New Hampshire as of Wednesday at 9 a.m.¶ The state’s 2 remaining superdelegates remain uncommitted.¶ For the real wonks out there who have never looked into it, amNewYork has a fairly good set of links explaining all of the byzantine Democrat rules. The bottom line is that the Democrat nominee will need 2.382 delegates to carry the day at their convention as compared to the 1.237 the GOP requires. But if the Democrat establishment doesn’t like you (read: if you are Bernie Sanders) you are starting out with a huge hill to climb no matter how much the voters like you. You’ll have to not only muster enough support to outnumber your opponent’s vote count, but enough beyond that to defeat the built in firewall represented by the superdelegates.¶ Lest we go away thinking the GOP is pure as the driven snow, they have some floating delegates as well, but the number is a lot lower than that of the Democrats. There are three RNC-member delegates for each state and an additional set of bonus delegates which are assigned based on an arcane formula fully understood by at least a dozen people in the country. (I’m just guessing here, but I don’t imagine a lot of them are wearing Make America Great Again ball caps or TrusTed lapel pins.) But even for those extras and bonuses, the GOP formula is still miles closer to being an accurate reflection of the voters’ wishes than the Democrats’ method.

No new uniqueness in the NR – destroys AFF strat since I can’t know how to collapse if they read all new warrants – affects whether I go for link or impact turns.

**3.** Turn - The plan is immensely politically popular and bipartisan – game over – **Jensen 15**

Tom Jensen. Public Policy Polling. “82% of Americans Support Preventing Domestic Abusers From Buying Guns” July 22, 2015. CC

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A. Proves fiat solves the link – plan means congress votes on it but doesn’t require every senator since it’d still be popular with enough others

B. Even if he votes he won’t look like a flip-flopper since everyone supports the AFF

4. Missing so many internal links – Walsh 15 says Hilary is farther to the left on guns than Bernie – not that his voting for the AFF would look bad

**5.** Non-unique. Sanders already flip-flopped on gun control. **Jacobson 1//17**

Louis Jacobson, "Hillary Clinton correct that Bernie Sanders flip-flopped on liability for gun makers, sellers,” January 17, 2016. CC

In the increasingly competitive Democratic primary for president, former Secretary of State Hillary Clinton has spent months hammering Vermont Sen. Bernie Sanders for his vote on a 2005 bill that provided gun makers, sellers and trade associations with significant protection against lawsuits. Now, after Sanders clarified his position on the issue, she’s calling him a flip-flopper. Sanders, who represents the small, rural state of Vermont where guns are widely accepted, has sometimes sided with advocates of gun rights on key legislation and sometimes sided with supporters of gun control. One of the primary examples where Sanders broke with Democrats is in supporting the gun liability bill, which was enacted in 2005. A similar bill also passed the U.S. House in 2003. Sanders, then serving in the House, voted for it both times. Clinton called on Sanders to "stand up and say I got this one wrong" in a Jan. 8 interview on MSNBC’s Hardball. About a week later, Sanders released a statement on the gun-liability issue in the run-up to the Jan. 17 Democratic debate in Charleston, S.C. In a news release, Sanders said, "I’m pleased that this legislation is being introduced," referring to proposals by Sen. Richard Blumenthal, D-Conn., and Rep. Adam Schiff, D-Calif., to rescind portions of the 2005 law. "As I have said for many months now, we need to look at the underlying law and tighten it up," Sanders added. The Clinton camp portrayed this as a flip-flop during the Charleston debate. Clinton said, "I am pleased to hear that Sen. Sanders has reversed his position on immunity, and I look forward to him joining with those members of Congress who have already introduced legislation." The Sanders camp disagreed that this was a change of position. Sanders campaign manager Jeff Weaver had told MSNBC, "This is not a flip flop, this is consistent with the position he held earlier in the campaign." So is Clinton’s portrayal accurate? We took a closer look. Sanders’ vote on the 2005 bill While the bill includes two relatively non-controversial provisions -- one on trigger locks and the other on armor-piercing bullets -- the most contentious elements of the 2005 bill, and the ones that drove overwhelming Democratic opposition at the time, deal with liability for gun makers and sellers. The official bill summary provides for broad-based immunity for gun sellers, but it also provides a few exceptions, such as: • Cases where a person transfers a firearm knowing that a violent crime or drug-trafficking crime will be committed with it; • Cases where a seller is negligent or a manufacturer or seller knowingly violated the law; • And cases involving an injury caused by a physical defect with the weapon when it was used as intended. What Sanders and his campaign said prior to Jan. 16 On numerous occasions, Sanders or his aides have expressed comfort with his past vote. In June 2015, Weaver, Sanders’ campaign manager, told Politico, "I believe he would make the same vote" today. In October, at a Democratic debate in Las Vegas, Sanders said, "If somebody has a gun and it falls into the hands of a murderer and that murderer kills somebody with the gun, do you hold the gun manufacturer responsible? Not any more than you would hold a hammer company responsible if somebody beats somebody over the head with a hammer. That is not what a lawsuit should be about." Sanders continued to make similar arguments into January 2016. Asked by CBS whether gun manufacturers should be held accountable for gun deaths, Sanders said, "Of course not, that doesn't make any sense," he said, while adding that if guns fall into the hands of criminals, "Of course you hold the gun manufacturers liable." At the same time, Sanders has increasingly fine-tuned his stance, saying he’d be open to reconsidering his vote on the 2005 measure. In an October 2015 interview on NBC’s Meet the Press, Sanders said he was "willing to see changes" in the gun-liability provision: "Can we take another look at that liability issue? Yes." Then, in January, a few days before the campaign issued its news release on gun liability, Sanders told a crowd in Iowa, "I think we should take another look at that legislation and get rid of those provisions which allow gun manufacturers to act irresponsibly." The Jan. 16 news release In the news release, Sanders expressed support for the Blumenthal-Schiff initiative to rescind the liability portions of the 2005 law. The trigger-lock and armor-piercing-ammunition provisions would not be overturned. The sponsors said they will try to advance the Equal Access to Justice for Victims of Gun Violence Act as an amendment to an appropriations bill, according to the New York Times. On the Jan. 17 edition of NBC’s Meet the Press, Sanders explained that in 2005, "there were things in (the bill) that I did not like and I was willing to rethink. We have rethought it. There's a bill apparently being introduced, I like that bill, it makes some good changes and we will be supportive of it." Sanders did say in his news release that he will be proposing an amendment to the Blumenthal and Schiff bills to require the Commerce Department to monitor and report on the law’s impact in rural areas on the availability of hunting supplies, including firearms, sold by non-negligent local gun stores. This, he indicated, was consistent with his past concerns about the threat of lawsuits against small gun shops serving primarily rural areas of Vermont. Our ruling So is Clinton right that Sanders flip-flopped on immunity for gun manufacturers and sellers? Sanders voted for the 2005 measure that provided broad liability exclusions for gunmakers and sellers. After months of Sanders and his staff defending the vote, Sanders’ position started to evolve in October. Sanders’ position three months ago -- that he would "take another look" at the liability question -- is consistent with his Jan. 16 news release saying he supported a proposal to rescind the immunity provisions. But to look back only to October doesn’t tell the full story, ignoring not only the 2003 and 2005 votes but also several instances in which Sanders or his staff defended those votes in interviews between June 2015 and early January 2016. That sounds like a flip-flop to us, so we rate Clinton’s statement True.

### A2 TPP Politics DA

Won’t Pass – Votes, Time, Biologics. **Inside U.S. Trade 4/15**

INSIDE U.S. TRADE 4/15 (“Members Offer Different Views on Likelihood of TPP Vote This Year,” Factiva)

Sens. Rob Portman (R-OH) and Sherrod Brown (D-OH) were among the members of Congress who this week offered different views on the probability of and need for a congressional vote on the Trans-Pacific Partnership this year. Portman said it is not probable that TPP will come up for a vote in the lame duck because the votes are simply not there. Brown said that a TPP vote is probable if "members of Congress betray our national interest and move on an issue that the public clearly opposes." Brown said he does not know what Senate Majority Leader Mitch McConnell (R-KY) expects to do. "I know he wants to bring it up [for a vote]," he said. "I hope he does not." Separately, House Ways & Means Committee Member Rep. Charles Boustany (R-LA) also said he was not sure whether TPP could be passed during the lame duck this year. "We have lost a lot of time and I do believe that American credibility is at risk with all of this," he said on April 14. "And so I would like to get these issues resolved so we can get a really robust, good agreement that's going to be really good for American business," he said. "I hope we can get through this," Boustany said. "I just don't know the answer as to whether this could get done in the lame duck or not at this stage." Boustany said the biologics issue is important to House members on both sides of the aisle, and is also "very problematic" in the Senate. "I find it problematic. We've got to get some resolution to that one," he said. Separately, House Ways & Means Ranking Member Sander Levin (D-MI) on April 12 said the House Republican stance on moving TPP is complicated by what he termed "some substantial divisions" in the caucus. Another Ways & Means Member, Rep. Ron Kind (D-WI), made clear on April 14 that he is pushing for a lame-duck vote by saying there is a "window of opportunity" to get TPP passed during the Obama administration. "You guys are familiar with the presidential rhetoric on the campaign trail," he told reporters. "I can't imagine a new administration spending much political capital trying to get TPP done next year, and the rest of the world isn't going to wait for the United States to get our act in order." Asked whether he or the Obama administration had a plan to win more Democratic votes to make up for Republican votes that would be lost over the carveout of anti-tobacco measures from investor-state dispute settlement, Kind downplayed the importance of the issue. "Is it likely that such an ancillary, thin issue like tobacco could bring down the largest multilateral trade agreement in our nation's history? I don't think so. But nonetheless, you know some members' concerns are going to have to be addressed before it can move forward," he said. Kind said it is important for the administration to address Republican complaints about the substance of TPP in order to ensure that there are enough votes for passage. But he rejected the notion that the Democrats who support fast track are aligned with Republicans on these objections. Boustany and Kind spoke to reporters after participating in an April 14 trade subcommittee hearing on the miscellaneous tariff bill.

Won’t pass – repubicans don’t want to give Obama a victory. **Hennig 4/15**

(Jutta; Inside U.S. Trade, “Administration Signals TPP Financial Services Fix Near; AG Pushes 2016 Vote,” Factiva)

At this point, it is unclear whether there can be a TPP vote in a lame-duck session or whether there will even be a lame-duck session. This has increased the nervousness of some business supporters, sources said. More than 200 agriculture groups and companies this week called on the House and Senate leadership to have a TPP vote "during this session of Congress" in an April 11 letter that laid out the benefits of TPP they perceive. It was signed by the International Dairy Foods Association but not the National Milk Producers Federation or the U.S. Dairy Export Council. But those three groups sent their own letter to members of Congress the same day calling for a 2016 vote. That letter focused on "a few key implementation and enforcement issues that are vital to ensuring that this agreement fully lives up to its potential to help create improved international opportunities." The letter is meant to make clear that the groups' "engagement" in lobbying for the passage of the TPP "will certainly depend on how these issues are handled," a dairy industry source said. The source said that the groups will further clarify their stance in a new letter to be sent to the administration. Among the issues raised in the letter are the demand that Canada not only faithfully implement its TPP market access commitments on dairy but also does not diminish current market access. Similarly, the groups want to be sure that Japan will administer its TPP-wide tariff rate quotas in a way that does not undermine the U.S. ability to export, according to the letter. In addition, the groups want to ensure that Japan is not acting against the intent of the TPP geographical indications (GI) commitments by failing to take into account a number of factors when determining what product is eligible for GI protection. The dairy industry source said there have been statements by Japanese officials that they could approve GIs based on whether they are considered to be GIs in the European Union. Some business sources speculated this week that Senate Majority Leader Mitch McConnell (R-KY) may not want to bring up TPP during the lame-duck session if Hillary Clinton is elected president. This would leave her with a political dilemma of whether to advance the TPP or put it aside, with either option being a win for Republicans, these lobbyists said. If she decided to get behind the TPP, it would alienate the Democratic base, they said. If she decided to punt, it would open her to criticism from Republicans and business groups that she is ignoring a major economic initiative that was endorsed by President Obama. However, even sources laying out this reasoning said they did not know if it is solely speculation by lobbyists or if it is an idea that McConnell's staff is actually entertaining. In addition, sources said a lame-duck vote is unlikely because some Republicans will not give President Obama a foreign policy victory late in his term.

A better international trade agreement kills TTP’S – That’s what US and china cares about. **Potter and Anderson 4/26**

Ben Potter Fleur and Anderson, Blockbuster Asian trade deal embraces China, rivals US-led TPP, Apr 26 2016 EE

A new blockbuster trade agreement among 16 Asian countries including China and India could give Australian businesses an entree to more than half the world economy, Trade Minister Steven Ciobo said. The proposed Regional Comprehensive Economic Partnership is bigger than the US-led Trans-Pacific Partnership and a potential rival to it. Officials from the negotiating countries meet from Wednesday to Friday this week in Perth for a twelfth round of talks on the deal, which could be stitched up by early next year. The rival trade deals show the strategic competition between the world's economic superpowers but trade experts say they will eventually come together in a wider Asia Pacific Economic Co-operation trade agreement that would be easily the world's largest. The US and China are co-chairs of an APEC task force which aims to make that happen. Alan Oxley, chairman of the RMIT University APEC Studies Centre, said Washington and Beijing would first have to resolve their differences, which could take years, and economic conditions would have to improve. APEC-WIDE DEAL IN 10 YEARS "We'll have an APEC-wide trade agreement in ten or 15 years, partly because the World Trade Organisation is unable to deliver," Mr Oxley said. The Regional Comprehensive Economic Partnership (RCEP) would include China, Japan, Korea, India, New Zealand and ten member states of Association of Southeast Asian Nations (ASEAN). Mr Ciobo, who met key government negotiators in Perth on Friday, said the TPP would not be the template for the new agreement, "we want an ambitious, broadbased and comprehensive agreement similar to the TPP". Issues such as China's alleged dumping of cheap steel in Australia and Australia's scrutiny of Chinese investment in farms are not included but Mr Ciobo said the talks would cover all industries. DIVERSITY A CHALLENGE He said the diversity of partners ranging from Cambodia and Myanmar to Australia and New Zealand would be a challenge but industries such as agriculture and education would be winners. Peter Drysdale, an Asian studies expert at Australian National University, writes in Wednesday's The Australian Financial Review that the RCEP gives poorer countries more time to meet higher standards on tariffs and market access than the TPP. "An ambitious and high quality RCEP can offset trade and investment diversion from TPP and work to integrate the entire Asia Pacific region," Professor Drysdale writes. Australian and Indonesian business representatives also met on Tuesday to push for a trade deal between the two countries.

Won’t Pass even in lame duck – Tobacco, Biologics, and votes. **INSIDE U.S. TRADE 4/8**

(“Hatch Unsatisfied with Admin Biologics Proposals, Defers on Timing,” Factiva)

The Obama administration has put forward proposals to Senate Finance Committee Chairman Orrin Hatch (R-UT) on how to address his objections to the Trans-Pacific Partnership's provisions on biologics, but they have yet to satisfy his demands, a Hatch spokeswoman signaled this week. "To date, the administration has not put forward anything that satisfies [Hatch's] concerns?, but we're still open to talking," the spokeswoman said in an April 5 emailed statement. Her comments came after Hatch told reporters on April 5 that he and the administration were discussing specific options to address his demands for a longer market exclusivity period for biologics in TPP. Speaking after the weekly Senate caucus lunches, Hatch also said he and the administration made progress in their talks over the Easter recess. Hatch made clear that he would like Congress to move quickly to approve TPP if the administration can resolve his objections, but stopped short of saying he would prefer a vote during the lame-duck session of Congress after the election. That decision is up to Senate Majority Leader Mitch McConnell (R-KY), he said. "I'm not going to say that; it's up to the leader," Hatch said, when asked whether he would be willing to have a lame-duck vote on TPP if all his objections are addressed. "But if we can resolve these problems, yeah, I'd like to get it over with and done." Separately, House Republican leadership aides drove home the message in a closed-door meeting with business lobbyists this week that House Speaker Paul Ryan (R-WI) will absolutely not bring the TPP deal to a vote this year if it does not have the votes, and that right now the votes are not there, according to informed sources. The leadership aides said they were not aware of any Democratic "yes" votes that the administration has picked up to compensate for the loss of Republican votes over the tobacco carveout, sources said. The aides warned that the administration should not be looking to the conservative House Freedom Caucus to try to pick up votes, as these members are unlikely to want to give President Obama a major legislative victory. Some TPP supporters have posited that House Freedom Caucus members may be willing to support TPP even though they voted against fast-track last year because that was a vote to give Obama more authority, and they may be philosophically inclined to support free trade agreements. One industry source critical of TPP said the House leadership's message just raises further doubts that the agreement could be passed during the lame-duck session of Congress, although another industry source disagreed. This source said TPP was not dead yet, pointing to earlier trade initiatives that squeaked by even when the odds seemed long. According to this source, there is still plenty of time for the administration to negotiate fixes to the objections by members of Congress on biologics and the other issues, as well as to get other TPP countries on board with those fixes.

The plan is immensely politically popular and bipartisan – game over – **Jensen 15**

Tom Jensen. Public Policy Polling. “82% of Americans Support Preventing Domestic Abusers From Buying Guns” July 22, 2015. CC

Public Policy Polling surveyed 636 registered voters on June 19th and 20th on behalf of the Center for American Progress Action Fund. The survey’s margin of error is +/-3.9%.

A new Public Policy Polling survey finds that 82% of Americans would support legislation prohibiting anyone convicted of stalking or domestic abuse against a dating partner from buying a gun. Only 11% are opposed to such a bill. What is particularly striking is the broad support across all demographic lines for keeping guns out of these people’s hands. Key findings from the survey include: -There’s a broad bipartisan consensus in support of this change to the law. Democrats support it 92/3, independents do 82/10, and Republicans do by a 68/23 spread. It is very hard to find any policy proposal that more than two thirds of both Democrats and Republicans support these days. -Gun owners have no problem with this bill- in fact they strongly support it. 80% of gun owners think it’s a good idea, compared to only 12% who are opposed to it. Those numbers are little different from the 87/7 support it has with non-gun owners. -There’s also an overwhelming mandate for this legislation across gender lines. Women are particularly supportive of it, with 87% favoring it to only 6% who are opposed. But attitudes among men aren’t much different- 77% of them are in support with only 16% against. -Greater than 80% support for the proposal exists across all racial groups. Hispanics (92/6) and African Americans (89/1) both give it near unanimous support, with whites (80/13) overwhelmingly in favor as well. In this era of divisive politics, there is little that 82% of Americans agree about. But prohibiting people convicted of stalking or domestic abuse against a dating partner is something that brings every segment of the electorate together. This would be a unifying and popular law to pass.

Zika, CJS, appropriations all thump. **Steinhauer 4/29**

Jennifer Steinhauer, "Another Chance for Bipartisan Achievement Slips Away," New York Times, http://www.nytimes.com/2016/04/30/us/politics/another-chance-for-bipartisan-achievement-slips-away.html?\_r=0, April 29, 2016. CC

Republicans, rather than rallying with joy around a nominee on the rise, this week settled into a bit of a hate dance with Donald J. Trump, in a bizarre bunny-hop of new endorsements, feeble thumbs up and continued denial and rage. Distrust between Congress and Mr. Obama — at times involving even the president’s own party — and a Republican allergy to almost any increased federal spending have combined into a contentious brew that led this week to the unraveling of a basic appropriations bill, an unsettled fight over funding to combat the Zika virus and a dim horizon for once-promising items like an overhaul of criminal justice laws. Other bills that left the committee on a wave of bipartisan bliss have been parked outside the House and Senate floors, and many judicial nominations are stalled. Republicans say it is Mr. Obama’s fault, for being too far from them on every policy issue, and using executive orders and regulations over legislative wooing to get to achieve his ends. “This is my third president I’ve served with,” Speaker Paul D. Ryan said on Thursday. “I’d say this is the most ideological president I’ve ever served with. He’s very dogmatic in pursuit of his ideology, and therefore I don’t see a bridging of the gap because of the nature of this presidency.” Democrats blame the far right of the Republican Party, which they say has dictated the terms of congressional action, and more often, inaction, for years. That in turn pushes Democrats farther from the compromise mode. “The forces in our politics are pushing things to the extreme,” said Senator Chuck Schumer, Democrat of New York who stood with several of his colleagues on Thursday to deride Republicans over their own to-do list of legislation and confirmations left waiting. “The old forces that once brought things together are now pulling them apart. On both sides, but mostly on their side.” It has not always been this way. President Harry S. Truman’s National Security Act of 1947 was forged with a Republican Congress before the brutal campaign of 1948. Ronald Reagan achieved major Social Security amendments and a rewrite of the tax code in 1986. President Clinton reached a landmark agreement with the Republican Congress to dismantle the New Deal-era federal welfare program in 1996, his re-election year. “There was partisanship but always more possibilities for deals since factions in each party had incentives for working across the aisle,” said Julian E. Zelizer, a professor of history and public affairs at Princeton University. “That has changed.” He added, “The entire political process in the current age — especially with the 24-hour media — in my mind makes legislative negotiation almost impossible. Deals are reported before legislators even know about them, which gives activists and interest groups time to mobilize and kill them.” It may not help that the last end-of-a-term spark of bipartisanship, under George W. Bush during the financial crisis, produced the Troubled Asset Relief Program, or TARP, the Wall Street bank bailout now proved to be a political disaster and that helped beget the Tea Party and the deepening partisan divide. Some things are simply more complicated than they appear, or that partisan talking points capture. For instance, Democrats this week twice filibustered a basic energy and water appropriations bill — one that was chosen because it seemed so easy to pass — because of an amendment, offered by Senator Tom Cotton, Republican of Arkansas, that would bar the United States from purchasing water used in producing nuclear energy and nuclear weapons from Iran, arguing that it was a poison pill that would trigger a White House veto. True. What they did not say is that the reason it would trigger that veto is because it would most likely pass, with the help of Democrats who are wary of Iran. Republicans say they will not offer an additional $1.9 billion to fight the Zika virus because the White House has not explained how it will spend the money; “explaining” being open to interpretation since the administration provided a lengthy memo on just that. What Republicans are not saying is that they fully intend to release the money, just not as the appropriations process begins because they do not wish to further inflame spending issues with their colleagues in the House, who have their own internal struggles with passing a budget and appropriations measures.

It’s intrinsic – logical policy would do both since they’d recognize the bad effects of not passing TPP

Forcing controversial fights key to Obama’s agenda. **Dickerson 13**

(John, Slate, Go for the Throat!, www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. He has abandoned that. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift.

### A2 Trade Secrets DA

Bill already passed. **Cowan 4/27**

Richard Cowan, "U.S. Congress passes legislation to protect firms' trade secrets," Reuters, http://www.reuters.com/article/us-usa-trade-secrets-idUSKCN0XO09J, April 27, 2016. CC

The U.S. Congress on Wednesday passed and sent to President Barack Obama legislation strengthening legal protection for companies' trade secrets, including manufacturing processes and computer methods. The House of Representatives voted 410-2 to approve the "Defend Trade Secrets Act" on the heels of it being unanimously passed by the Senate earlier this month. The legislation, which is backed by the White House, would open the door for companies to sue in federal court for damages related to theft of trade secrets. House Judiciary Committee Chairman Bob Goodlatte said the measure "will help American innovators protect their intellectual property from criminal theft by foreign agents and those engaging in economic espionage."

Bill isn’t remotely controversial and PC isn’t key – passed senate 87-0. **Hoover 4/5**

Kent Hoover, "Congress to help businesses fight theft of trade secrets" Business Journals, http://www.bizjournals.com/bizjournals/washingtonbureau/2016/04/congress-to-help-businesses-fight-theft-of-trade.html, April 5, 2016. CC

Congress is on its way to giving businesses stronger tools to fight theft of trade secrets. The Senate passed the Defend Trade Secrets Act by an 87-0 margin Monday afternoon. Given the bipartisan support for the bill, the legislation should make its way through the House as well. The White House has endorsed the bill, so it will be signed into law once it passes Congress. The legislation would establish a uniform federal civil standard for lawsuits alleging trade secret theft, vs. a current patchwork of state laws. Trade secret owners would have five years from the discovery of a theft to file a federal lawsuit seeking remedies such as an injunction and damages.

Garland nomination thumps. **Dingman 3/30**

Dingman 3/30/16 (Mike, Columnist @ Alaska Dispatch News, "Obama has no claim to moral high ground over Supreme Court stonewalling," http://www.adn.com/article/20160330/obama-has-no-claim-moral-high-ground-over-supreme-court-stonewalling)

The Republicans in the United States Senate do not want to confirm President Obama’s nominee to Supreme Court. There is no secret about this; Senate Majority Leader Mitch McConnell said right away that he was not interested in holding hearings and that he believed the rest of the Senate majority agreed with him. When asked if he would entertain a meeting with a prospective nominee, he was quoted in a Politico article as saying: “I don't know the purpose of such a visit. I would not be inclined to take one myself.” That was a month ago. We now have a nominee with a name, a face and a resume. Merrick Garland is the chief judge of the United States Court of Appeals for the District of Columbia Circuit; President Bill Clinton appointed him in 1997. Judge Garland is every bit qualified to be a Supreme Court justice. He graduated from Harvard Law School magna cum laude, was a member of Harvard Law Review and clerked for Supreme Court Justice William Brennan Jr. Judge Garland is definitely a compromise choice -- so much of a compromise that some in the liberal wing of the Democratic Party are calling his nomination a missed opportunity. There’s always the possibility that President Obama nominated Judge Garland expecting the Senate to shut down his nomination, or at the very least vote it down in hearings held just to help the GOP save face in an election year. President Obama has taken this fight with the Senate Republicans head-on from the very beginning. In his speech nominating Judge Garland to the bench, President Obama said, "It is tempting to make this confirmation process simply an extension of our divided politics, the squabbling that's going on in the news every day." He continued: "But to go down that path would be wrong. It would be a betrayal of our best traditions and a betrayal of the vision of our founding documents. This is precisely the time when we should play it straight." Remember, however, that President Obama has often used executive orders to get his way on hotly contested issues such as gun control and immigration. Democrats often point to the number of executive orders written by President Obama compared to his Republican counterparts; however, when it comes to executive orders, the difference really lies in the quality rather than the quantity. President Obama decried executive orders at a town hall in 2007; when he was running for president, he said: “I taught the Constitution for 10 years, I believe in the Constitution and I will obey the Constitution of the United States. We are not going to use signing statements as a way of doing an end run around Congress.” So now the president wants Congress to either take action, after he’s been taking the “end run” that he promised in 2007 he would not, or fail to act and look shady in the process. If Judge Garland is a sacrificial lamb in this process, it’s unfortunate. His resume and reputation are solid. He’s the kind of candidate who after a proper vetting process could potentially make a very good Supreme Court justice. President Obama said of him, “Over my seven years as president, in all my conversations with senators from both parties in which I asked their views on qualified Supreme Court nominees ... the one name that has come up repeatedly from Republicans and Democrats alike is Merrick Garland.” He’s definitely the type of compromise candidate both parties could rally around -- which is starting to show. NBC News claims that 16 GOP senators now support holding hearings for the nominee. CNN polls show that two-thirds of those polled believe that hearings should be held for Judge Garland. Regardless of what happens, this political gamesmanship is cause for considerable consternation on both sides. Let's not pretend one side is behaving better than the other in this fight. It’s ugly politics, plain and simple.

**Turn -** the plan is immensely bipartisan and unifying. **Jensen 15**

Tom Jensen. Public Policy Polling. “82% of Americans Support Preventing Domestic Abusers From Buying Guns” July 22, 2015. CC

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A new Public Policy Polling survey finds that 82% of Americans would support legislation prohibiting anyone convicted of stalking or domestic abuse against a dating partner from buying a gun. Only 11% are opposed to such a bill. What is particularly striking is the broad support across all demographic lines for keeping guns out of these people’s hands. Key findings from the survey include: -There’s a broad bipartisan consensus in support of this change to the law. Democrats support it 92/3, independents do 82/10, and Republicans do by a 68/23 spread. It is very hard to find any policy proposal that more than two thirds of both Democrats and Republicans support these days. -Gun owners have no problem with this bill- in fact they strongly support it. 80% of gun owners think it’s a good idea, compared to only 12% who are opposed to it. Those numbers are little different from the 87/7 support it has with non-gun owners. -There’s also an overwhelming mandate for this legislation across gender lines. Women are particularly supportive of it, with 87% favoring it to only 6% who are opposed. But attitudes among men aren’t much different- 77% of them are in support with only 16% against. -Greater than 80% support for the proposal exists across all racial groups. Hispanics (92/6) and African Americans (89/1) both give it near unanimous support, with whites (80/13) overwhelmingly in favor as well. In this era of divisive politics, there is little that 82% of Americans agree about. But prohibiting people convicted of stalking or domestic abuse against a dating partner is something that brings every segment of the electorate together. This would be a unifying and popular law to pass.

Agenda dead – election-year pressure, Court nomination battle, and budget fights mean NOTHING passes. **Dobbs 3/28**

Dobbs-Allsopp 3/28/16 (Will, columnist covering Congress and the campaign trail for Morning Consult, "Congress Takes a Break This Year After a Productive 2015," https://morningconsult.com/2016/03/congress-takes-a-break-this-year-after-productive-2015/)

It’s barely spring, and already Congress looks to be preparing the Capitol for legislative hibernation ahead of the November elections. Who can blame them? They are still recovering from last year. In 2015, federal lawmakers faced a slew of must-pass deadlines: reauthorizing federal highway funding, resolving a debt ceiling crisis, dealing with restrictive budget caps, and writing a massive, year-end spending bill. Much like college midterms, the barrage of hard-stops forced Congress into what these days is an unnatural state of productivity. Some of last year’s signature legislative agreements didn’t come in the face of hard deadlines – for example, a bipartisan overhaul of No Child Left Behind – but there’s little indication such feats will be repeated again. This year, the only must-pass item on the agenda apart from funding the federal government is a reauthorization of the Federal Aviation Administration. Both the House and Senate feature abbreviated calendars this year in order to allow for the parties’ national conventions. The House, currently out for a fortnight, will return in mid-April with only 15 scheduled legislative weeks before Nov. 8. The Senate has 17 weeks. Even those weeks in session probably give legislators too much credit. Both chambers have scheduled a month’s worth of work in September, when all attention will be on the fall campaigns, and little to nothing will work its way through Congress. Even now, there is little legislative momentum for members once they return from their spring break. In the Senate, very little has made it off the floor. It has only passed two pieces of legislation this year, a bill authorizing grants to address the opioid and heroin crisis and a customs bill. A bipartisan energy bill, which would be the first energy legislation of its kind to pass in almost a decade, has been relegated to the back burner for two months, largely over partisan disagreements on how to respond to the water crisis in Flint, Mich. A deal on providing federal aid to Flint has remained elusive despite weeks of furious negotiating by the state’s Democratic Sens. Debbie Stabenow and Gary Peters. Republicans are hesitant to approve new emergency appropriations before fully understanding the costs involved. There is also drama over the Supreme Court, perhaps inuring people to the lack of action on the floor. The escalating battle over whether to grant a hearing or a vote to Merrick Garland, President Obama’s pick to replace the late Antonin Scalia on the Supreme Court, is getting a lot of airplay in the Senate. In the House, a slow motion budget collision has served much the same purpose as the Senate’s Supreme Court debate, drawing attention away from inaction on other issues. Fiscal hawks, especially within the House Freedom Caucus, don’t want to abide by a budget deal struck last fall, opposed by most House Republicans, that increased discretionary spending by $30 billion. The Freedom Caucus has already formally opposed the GOP budget plan, bringing into question whether any spending bills can receive debate and floor votes before the election. As such, the past several weeks have been light on House legislation, something Minority Whip Steny Hoyer (D-Md.) highlighted last week. “This is a do-nothing week, which is to say it was like last week.” Hoyer told reporters last Tuesday. “We’re not doing anything. We’re not doing anything because Republicans are apparently so deeply divided … they’re unable to get together 218 votes [on a budget].” But for GOP leaders, that’s not the point. They are pinning their hopes on a policy agenda program spearheaded by Speaker Paul Ryan (R-Wis.) that aims to craft a GOP policy platform for the election and congressional action next year. Working groups led by committee chairmen have been charged with producing in-depth policy proposals for topics such as health care, tax reform, and poverty. In a speech last week intended to address the chaos and incivility that is defining the GOP presidential contest, Ryan pitched the agenda effort, and policymaking generally, as central to inspiring a more positive politics. “As leaders, we have an obligation to put our best ideas forward, no matter the consequences. With so much at stake, the American people deserve a clear picture of what we believe,” Ryan said. “This is the basic concept behind the policy agenda that House Republicans are building right now.” Rep. Bill Huizenga (R-Mich.), a Ryan ally, said the agenda project is intended to be a unifier for the party. “All of us need to say, ‘OK, here is the House plan,’” he said. “When you have a plan, people will tend to gravitate to it whether they agree with it or disagree with it,” There are a limited number of bills that could squeak through either or both chambers before the general election consumes all the oxygen on Capitol Hill. The House Natural Resources Committee will mark up an aid package for financially troubled Puerto Rico in mid-April, with a floor vote to follow shortly thereafter.

Trade secrets bill doesn't solve – doesn’t solve uniformity, doesn’t solve cyber, reduces patents. **Stiegler 3/30**

Stiegler and Gershen 3/30/16 (Anthony and Adam, partner and associate @ Cooley's litigation department and a member of the intellectual property group"Are they going to federalize trade secrets law?," http://www.insidecounsel.com/2016/03/30/are-they-going-to-federalize-trade-secrets-law)

The DTSA’s Perceived Limitations Opponents of the bill have raised several objections. As an initial matter, the DTSA may not enhance uniformity, because it does not preempt state law, but runs concurrently, such that the federal regime could merely add another layer of interpretation onto current approaches to trade secret law, and raise thorny jurisdictional questions. Much of the current variability in trade secret cases stems not from trade secret law itself, but rather from other legal issues that often arise in trade secret cases, such as the applicability and enforcement of non-compete agreements, which the DTSA does not address. Moreover, a group of prominent law school professors has argued the DTSA (a) fails to explicitly address cyber-espionage; (b) could harm small businesses ill-equipped to litigate a seizure order against a well-funded adversary; and (c) could actually increase short-term uncertainty as federal courts develop, from scratch, a new body of law. Finally, the DTSA’s expansive protection for trade secrets may have the perverse effect of, at the margins, leading fewer companies to seek patents, which benefit innovation in ways trade secrets do not, because patents disclose the state of the art and, eventually, expire.

Forcing controversial fights key to Obama’s agenda. **Dickerson 13**

(John, Slate, Go for the Throat!, www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. He has abandoned that. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift.

### A2 21 Cures

Dems are the ones blocking the bill because of funding not republicans. **Sullivn 4/6**

Sullivan, Peter. "Senators Advance Medical Cures Bill, Push for More Funding." TheHill. April 06, 2016. Accessed April 08, 2016. http://thehill.com/policy/healthcare/275359-senators-advance-cures-bills-push-to-find-funding. SP

The Senate Health Committee on Wednesday advanced a final round of medical innovation bills as lawmakers intensify their push for a deal on funding medical research. The panel advanced five bills aimed at speeding up Food and Drug Administration (FDA) approval of new drugs and devices. The measures will be combined with several other bills to become the Senate’s version of the House-passed 21st Century Cures Act. But a crucial element of the bill still remains to be worked out: new funding for medical research at the National Institutes of Health (NIH), which Democrats have made a dealbreaker. The NIH funding could go to initiatives like the Obama administration's “moonshot” to cure cancer, and the FDA reforms are aimed at speeding up the approval of treatments, particularly for rare diseases.

Garland nomination thumps. **Dingman 3/30**

Dingman 3/30/16 (Mike, Columnist @ Alaska Dispatch News, "Obama has no claim to moral high ground over Supreme Court stonewalling," http://www.adn.com/article/20160330/obama-has-no-claim-moral-high-ground-over-supreme-court-stonewalling)

The Republicans in the United States Senate do not want to confirm President Obama’s nominee to Supreme Court. There is no secret about this; Senate Majority Leader Mitch McConnell said right away that he was not interested in holding hearings and that he believed the rest of the Senate majority agreed with him. When asked if he would entertain a meeting with a prospective nominee, he was quoted in a Politico article as saying: “I don't know the purpose of such a visit. I would not be inclined to take one myself.” That was a month ago. We now have a nominee with a name, a face and a resume. Merrick Garland is the chief judge of the United States Court of Appeals for the District of Columbia Circuit; President Bill Clinton appointed him in 1997. Judge Garland is every bit qualified to be a Supreme Court justice. He graduated from Harvard Law School magna cum laude, was a member of Harvard Law Review and clerked for Supreme Court Justice William Brennan Jr. Judge Garland is definitely a compromise choice -- so much of a compromise that some in the liberal wing of the Democratic Party are calling his nomination a missed opportunity. There’s always the possibility that President Obama nominated Judge Garland expecting the Senate to shut down his nomination, or at the very least vote it down in hearings held just to help the GOP save face in an election year. President Obama has taken this fight with the Senate Republicans head-on from the very beginning. In his speech nominating Judge Garland to the bench, President Obama said, "It is tempting to make this confirmation process simply an extension of our divided politics, the squabbling that's going on in the news every day." He continued: "But to go down that path would be wrong. It would be a betrayal of our best traditions and a betrayal of the vision of our founding documents. This is precisely the time when we should play it straight." Remember, however, that President Obama has often used executive orders to get his way on hotly contested issues such as gun control and immigration. Democrats often point to the number of executive orders written by President Obama compared to his Republican counterparts; however, when it comes to executive orders, the difference really lies in the quality rather than the quantity. President Obama decried executive orders at a town hall in 2007; when he was running for president, he said: “I taught the Constitution for 10 years, I believe in the Constitution and I will obey the Constitution of the United States. We are not going to use signing statements as a way of doing an end run around Congress.” So now the president wants Congress to either take action, after he’s been taking the “end run” that he promised in 2007 he would not, or fail to act and look shady in the process. If Judge Garland is a sacrificial lamb in this process, it’s unfortunate. His resume and reputation are solid. He’s the kind of candidate who after a proper vetting process could potentially make a very good Supreme Court justice. President Obama said of him, “Over my seven years as president, in all my conversations with senators from both parties in which I asked their views on qualified Supreme Court nominees ... the one name that has come up repeatedly from Republicans and Democrats alike is Merrick Garland.” He’s definitely the type of compromise candidate both parties could rally around -- which is starting to show. NBC News claims that 16 GOP senators now support holding hearings for the nominee. CNN polls show that two-thirds of those polled believe that hearings should be held for Judge Garland. Regardless of what happens, this political gamesmanship is cause for considerable consternation on both sides. Let's not pretend one side is behaving better than the other in this fight. It’s ugly politics, plain and simple.

**Turn -** the plan is immensely bipartisan and unifying. **Jensen 15**

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Appropriations bills thump – fights will dominate the agenda until September. **Dobbs 3/28**

Dobbs-Allsopp 3/28/16 (Will, columnist covering Congress and the campaign trail for Morning Consult, "Congress Takes a Break This Year After a Productive 2015," https://morningconsult.com/2016/03/congress-takes-a-break-this-year-after-productive-2015/)

Otherwise, the only thing left on the docket is the year’s appropriations work, which lawmakers had hoped would be done through “regular order,” passing each of the 12 spending bills that fund the federal government individually. That feat hasn’t been accomplished in decades. It’s not likely to occur this year. The GOP’s budget woes in the House make a regular appropriations process all but impossible. House conservatives said last week that if appropriators write spending bills to the higher spending level, it’s unlikely they would support any funding bill that isn’t related to national security. “I probably wouldn’t have a problem voting for the [Veteran’s Affairs] bill,” said Rep. Thomas Massie (R-Ky.), a vocal fiscal hawk that has been critical of House GOP leadership in the past. “We’re going to look at every individual appropriations bill,” said Rep. Jim Jordan (R-Ohio), who chairs the Freedom Caucus. “We’re for strong national defense and obviously supporting our veterans.” Jordan underscored his deep dissatisfaction with current spending targets and signaled that many of the other appropriations bills would be a tough sell for him and like-minded House Republicans. “We’re being asked to validate a spending level that the vast majority of Republicans opposed, both in the House and Senate just a few months ago,” he said. At the same time, nearly every member of the House GOP conference hopes to see appropriations bills contain conservative policy riders that Democrats will surely oppose. The result? Getting 218 votes for all but a couple spending bills in the chamber will be a challenge. McConnell has said he intends to take up appropriations bills after the trade secrets bill. The Senate actually could consider a number of spending bills, especially since senior Republican appropriator Sen. Lamar Alexander (R-Tenn.) suggested he would like to see the bills move through the chamber without any conservative policy riders. But with little prospect of the same thing happening in the House, the only real impact Senate action will have is to chew up floor time until the end of September. That’s when lawmakers will have to pass a stopgap spending bill in the likely event they have not completed all their appropriations work.

Forcing controversial fights key to Obama’s agenda. **Dickerson 13**

(John, Slate, Go for the Throat!, www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. He has abandoned that. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift.

Fights over the funding of the bill, Supreme Court Nominee, and election thump. **Owens 4/5**

Owens, Caitlin. "Senate Health Committee Faces Deadline for Medical Innovation - Morning Consult." Morning Consult. April 05, 2016. Accessed April 08, 2016. https://morningconsult.com/2016/04/senate-health-committee-faces-deadline-medical-innovation/. SP

The Senate faces a tight deadline if it’s going to pass a medical bill this year designed to speed drug and precision medicine developments. The legislation needs to be smoothed of kinks and on the floor within two weeks unless GOP leaders alter their overall schedule for the year. The Health, Education, Labor and Pensions Committee will hold its third and final votes on a series of small bipartisan bills on Wednesday, but there’s still no deal on the most important issue — additional funding for the National Institutes of Health and the Food and Drug Administration. The smaller bills all aim to get new medicine and treatments to patients quicker, but without additional funding for NIH and the FDA, Democrats won’t support the effort. “We are talking with Lamar [Alexander] about that,” ranking member Patty Murray (D-Wash.) told Morning Consult. “He knows very well that nothing comes up on the floor until we have a resolution on that.” While seasoned legislators — HELP Chairman Alexander (R-Tenn.) and Murray — continue to negotiate this crucial provision, Senate Majority Leader Mitch McConnell (R-Ky.) on Tuesday told reporters that he wants the Senate to start working on annual appropriations bills in mid-April. Those spending bills are expected to fill the remainder of the Senate’s time in session this year. Striking a deal on a comprehensive medical innovation package in the upcoming week or two will not be easy. Alexander said negotiations right now do not include additional FDA funding, something Democrats say they need. “That hasn’t really come up,” he said of the FDA funding. “I think my focus is – and I think the focus of all the conversations I’ve been in – is about a surge of funding for the National Institutes of Health. That money is for research. That’s different than FDA. FDA, which is about half-funded by fees from industry, is more personnel-oriented.” The Senate version will also need provisions to offset the cost of the bill. The House gave an additional $8.75 billion to the NIH in its version, 21st Century Cures, which was fully offset when lawmakers passed it last summer. However, a large portion of the House-passed offsets were used in a transportation bill that was enacted at the end of 2015. To avoid that problem, Alexander said the Senate’s medical innovation bill will be offset by other healthcare spending. Alexander decided to move the medical innovation effort forward piece by piece earlier this year after failing to come to an agreement with Democrats on a broader legislative package. Instead of voting on just one big bill, the committee held three executive sessions to pass groups of smaller bills. If all five bills to be marked up on Wednesday are approved, the committee will have advanced 19 measures with more than 50 provisions on various aspects of medical innovation. Almost all of the bills are bipartisan. The negotiations over funding are chugging along as the Senate seems to be slowly heading toward something resembling a shutdown. Bad feelings have intensified over when to consider a Supreme Court nominee, and the presidential campaign is preoccupying many lawmakers. It may not be headline grabbing, but the bipartisan work goes on. Three of the five bills being considered in the HELP Committee on Wednesday are backed by Alexander and Murray, two legislators who have a history of working well together under pressure. Last year, they shepherded through a major overhaul of No Child Left Behind, something Congress had been unable to do for a decade. But this time, they may run out of time before they can work out all the kinks

### A2 CPP Impact

CPP slows shift to clean energy and doesn’t reduce emissions. **Grunwald 15**

Michael Grunwald, Hidden in Obama’s new climate plan, a whack at red states, Politico, 8/04/15. NS

I took flak Monday for writing that President Obama’s Clean Power Plan for fighting climate change wouldn’t really change the trajectory of the electricity sector, but now that the plan is public, you can see that Obama’s Environmental Protection Agency basically agreed with me. On page 637, the agency pointed out that coal power—the dirtiest and most carbon-intense form of electricity—will decline at a slower rate over the next 15 years under the plan than it has been declining over the last 10 years without the plan. “In addition, under this rule,” the EPA wrote on page 763, “the trends for all other types of generation…will remain generally consistent with what their trends would be in the absence of this rule.” Uh, then what’s the point of the rule? Environmentalists, journalists, administration officials and industry flacks have all hyped the Clean Power Plan as the strongest climate action in history, but the 1560-page text provides plenty of evidence for my case that it’s merely the fourth-strongest climate action of the Obama era. I found a few nuggets that were even weaker than I expected, including a remarkable footnote suggesting that states can do nothing to reduce emissions for nine years and still comply with the rule. Still, I have to admit the overall plan is actually stronger than I expected yesterday, and much stronger than the toothless draft plan I ridiculed in May. So before I resume harping about the plan’s unambitious goals for the grid, and the various ways its defenders and critics are exaggerating its impact, let me discuss how the EPA fixed the draft’s most glaring absurdities, because these changes have been largely overlooked. The media have focused on modest tweaks to non-binding national goals—emissions are now expected to drop 32 percent by 2030, versus 30 percent in the draft, and coal is expected to provide 27 percent of our power instead of 31 percent—but those aren’t the changes that matter. What matters are the changes to binding state targets, and those changes are not modest. They also have serious political implications. The original draft took it easiest on states with the heaviest reliance on dirty fossil fuels—states that nevertheless complained the most about Obama’s supposedly draconian plan. The final rule cracks down much harder on those states, while taking it much easier on states that are already moving toward cleaner sources of electricity. Check out this excellent chart compiled by my colleague Alex Guillen. North Dakota would have been required to cut emissions just 10.6 percent to comply with the draft rule, the least of any state; it will have to cut emissions 44.9 percent to comply with the final rule, the most of any state except for similarly fossil-fueled Montana and South Dakota. Coal-rich Wyoming, Kentucky, West Virginia and Indiana were also among the biggest losers in the revised plan. Meanwhile, the states that are already greening their grid—led by Washington, Oregon and New York—were the biggest winners in the final rule. That is a radical change. The EPA acknowledged in the plan that it “rectifies what would have been an inefficient, unintended outcome of putting the greater reduction burden on lower-emitting sources and states.” As EPA air quality chief Janet McCabe explained to me in an interview: “We got a lot of comments making the same point you did.” But it hasn’t gotten attention, perhaps because coal-state politicians cried wolf so loudly about the draft. It’s the result of a decision to calculate emissions according to a uniform measurement for every power plant rather than a weirdly calibrated analysis of what’s reasonable for individual states. But whether or not the new approach is more technically or legally defensible, getting tougher on dirtier states could have a dramatic effect on results, because states like Kentucky and West Virginia were always unlikely to do any more than the legal minimum, while states like California and Massachusetts are unlikely to stop their transitions to cleaner energy once they achieve compliance. There are two other areas where the final plan looks tougher than the draft plan. I wrote in January that the draft seemed to assume, as many scientists do not, that most “bioenergy” projects would be carbon-neutral, a conclusion that posed a serious threat to American forests. The final plan walks that back, essentially postponing any decisions until states make actual bioenergy proposals. The draft also relied excessively on gloomy forecasts from the federal Energy Information Administration, which consistently and dramatically underestimates the growth of renewables. The final rule specifically states the EIA’s forecasts “do not reflect the decline in cost and increase in performance that have been demonstrated by current projects,” and as a result, the 2030 goal for renewable generation increases from 22% to 28% of U.S. capacity. But the big question about the plan is whether it will accelerate America’s ongoing shifts away from coal and towards wind and solar. The answer, according to the plan itself, is no. Its targets are “fully consistent with the recent changes and current trends in electricity generation, and as a result, would by no means entail fundamental redirection of the energy sector.” Even the enhanced renewable goals are “consistent with historical deployment patterns.” And the coal emissions cuts “can be met without the retirement of the affected [plants] before the end of their book life,” it says on p. 1095, an amazing statement considering that coal plants producing about 175 million annual tons of emissions—more than one fifth of the reductions the entire Clean Power Plan will require by 2030—are already scheduled to retire by 2020. My point yesterday, which I still believe today, was that you shouldn’t hail or denounce a plan as the strongest ever if it just continues current trends—and that the Clean Power Plan, as EPA acknowledged above, expects to do less than continue current trends. It projects fewer coal retirements and fewer emissions reductions. Kevin Drum of Mother Jones and other writers argued that I was being too harsh, because the reductions over the last decade were expanded by a recession and a fracking boom, and because coal retirements will be harder now that the oldest and most obvious targets have been retired. In this view, if the Clean Power Plan merely prevents too much backsliding—and helps Obama push for a global climate deal in Paris—it will provide a huge service. And a tougher plan could certainly face a tougher time in Congress and in the courts. Those are legitimate points, but there are also numerous reasons why coal retirements could be easier now than they were a decade ago. Wind and solar costs have plunged, making renewables much more than an airy-fairy alternative, while coal costs have increased. Natural gas prices are still low, too. Upcoming ozone rules could further ratchet up the pressure on coal, while the rapid downsizing of the coal industry has ratcheted down its political power. Coal is also getting a tobacco-like reputation that is scaring away investment. And there is now an agile and effective coal-fighting machine that has already helped force 200 plants into retirement. Whether the plan’s goal should be to accelerate emissions reductions, or just to maintain some semblance of the current trend, everyone who supports action to prevent a climate catastrophe agrees that time is of the essence. But that’s where the Clean Power Plan is especially weak. The draft did not require any action to control carbon emissions until 2020. The final rule postpones that initial deadline until 2022. And in a footnote I found on page 642, the EPA pointed out that “in fact, most states could allow their sources to remain uncontrolled in 2022 and 2023, and require controls beginning in 2024, and still be able to meet their interim goal.” That’s right: States can do nothing for nine years, and still comply with a rule that’s supposed to be the strongest action ever taken to combat climate change. The damning EPA clause I quoted earlier is probably wrong. The Clean Power Plan should make the power sector at least somewhat cleaner than it would be “in the absence of this rule.” But that’s too low a bar. And 2024 could be too late.

### A2 Zika DA

Zika bill won’t pass – republicans and democrats split. **Diamond 4/29**

“Congress will leave, but Zika problem will stay unresolved,” Dan Diamond, 4/29/15, POLITICO.

The number one health policy issue for the next administration could be drug costs, and another report alleges a link between Prince's death and opioids. But first: Congress bails on a Zika funding deal.¶ CONGRESS LEAVES, BUT ZIKA PROBLEM WILL STAY UNRESOLVED — The Senate's already gone. The House leaves for recess today. And that’s why there's virtually no chance of a breakthrough on the long-awaited Zika funding package — more than two months after the White House's emergency $1.9 billion request, and a week after senators hinted that a bipartisan deal was close.¶ Story Continued Below¶ What happened? Democrats pushed for the full White House funding request, while Republicans said they wouldn't budge from $1.1 billion. And the brief moment of comity descended into partisan and even bicameral bickering, with Senate Republicans blasting their counterparts in the House for dragging their heels.¶ "It's clear that those Republicans interested in working with us have been beaten back by the extreme right wing, who don’t want to do anything at all," Democratic Sen. Patty Murray told reporters this week.¶ — Rubio says state officials are 'freaked out' and demand action. The Florida senator warned his colleagues on Thursday that there's no time to waste by going through the usual appropriations process.¶ "There is no such thing as a Republican position on Zika or Democrat position on Zika because these mosquitoes bite everyone," Marco Rubio said on the Senate floor. "And they’re not going to ask you what your party registration is or who you plan to vote for in November."

The Zika threat is conducted by the medical industry – it’s a benign disease with no scientific correlation to microcephaly. **Thomas 2/16**

“Zika: A Real Threat or Another Hoax to Promote Medical Tyranny?” John P. Thomas, Health Impact News, Feb. 14, 2016.

I don’t expect the concern over Zika to fizzle like the African Ebola epidemic did in 2014. In the months and years to come, I anticipate the World Health Organization and the U.S. CDC will continue to call for the creation of a Zika vaccine. They will then try to manipulate the nations of the Earth to require a mandatory Zika vaccination program for everyone without exemption.¶ Officials want us to believe that Zika is a serious threat, because they say it is a serious threat. The truth about Zika has not changed – it is a very benign virus, which is very unlikely to be causing birth defects by itself.¶ The most likely causes of microcephaly in Brazil and in the United States are: known genetic abnormalities, vaccines, pesticide exposure, GMO food, chronically poor nutrition, physical injury, poverty, and the weakened immune systems of pregnant women. But officials don’t want us to be confused by other potential causes.¶ Even though the 404 actual microcephaly cases in Brazil are much less than the original estimates, there is still reason for concern. The sudden doubling or tripling of the microcephaly rate in 2015 should still be seen as a strong warning that something is seriously wrong.¶ I consider the release of genetically engineered mosquitoes in Brazil to be a likely source of human birth defects, because cases of microcephaly are concentrated in the regions of Brazil where the mosquitoes were released.¶ And let us not forget those 25,000 babies born in the United States every year with microcephaly. A Zika vaccine will not reduce that number, since Zika infection is already extremely rare in the United States. If we want to reduce U.S. cases of microcephaly, then we will need to look at the wide set of factors that are associated with it. It is not acceptable to have a rate of microcephaly that is 40 times higher than other countries.

## A2 Topic DAs

### A2 Court Clog DA

1. Non-unique – courts have been clogged for years and impacts haven’t happened. **PFAW 12**

People for the American Way, “Overloaded Courts, Not Enough Judges: The Impact on Real People” Feb 27, 2012

Federal judges are required to give priority to criminal cases over civil ones. Since the number of criminal cases has surged over the past several years – a 70% increase in the past decade – judges are forced to delay the civil cases, often for years. This means long delays for Americans seeking justice in cases involving:  discrimination  civil rights  predatory lending practices  consumer fraud  immigrant rights  environment  government benefits  business contracts  mergers  copyright infringement When there aren’t enough judges on the bench, many plaintiffs are forced into inadequate settlements, and small businesses are pressured to make unnecessary settlements to end the expense and uncertainty of litigation.

2. New legislation means courts are clogged now and will be with our without the aff – obamacare lawsuits, gay marriage licenses, new EPA regulations, new patent laws, any of these should have triggered the brink or there’s no reason AFF will

**[A2 Adler]**

1. Their internal link evidence is *atrocious*  - talks about **judges** needing more time but that’s for non-jury cases – more jury trials has nothing to do with this

2. courts empirically adapt since congress has the authority to create more courts or authorize more judges

3. Higher courts have the authority to choose which cases to take so more overall cases doesn’t mean they’re more pressured

### A2 Economy DA

1. No-link to plan – we only stop a small number of important people from not having guns – it doesn’t kill the whole gun industry

2. Turn – cost of gun violence is even bigger. **Murpy 15**

Jason Murphy, "Why the gun industry has US over a barrel," News.com.au, December 10, 2015. CC

Guns may be cheap, but gun violence is expensive. The costs of gun violence are hidden — they don’t always look like costs. They look like jobs for disability support workers, for trauma surgeons, prison officers and undertakers. But if the violence wasn’t there, people would not have to buy those services, either directly or through taxes. Taxes could be lower. The rest of the economy would do better and the US overall would be far better off. The costs of gun violence are hundreds of billions of dollars a year according to one study — higher than obesity and almost as high as smoking. We work on most other dangerous problems in society. Like cars. They keep getting safer. In the US, the big differences between guns and cars is that cars are regulated for safety by the consumer products authority. Guns are not. The American gun lobby has spent a lot of money to keep it that way. The more shootings that happen, the more Americans will want guns, the richer the industry gets. On and on it goes

3. Non-unique, this week’s Chinese econ crashes doomed the global economy. **Abbruzzese 1/9**

Jason Abbruzzese, China's stock market crash matters to all of us, 1/9/15

We're only a week into 2016 and China is already producing some serious "sky is falling" headlines. And, yeah, you should care. Sure, you probably don't own many Chinese stocks, so something like two crashes in three days hasn't made you any poorer. Maybe you're not terribly active in the foreign currency exchange markets either, so no harm there. But those crashes do hint at a very scary situation in China that could easily end up impacting the global economy — including the U.S. of A. Let's start with the news. Crash and crash again So far, China's stock market has only been able to make it through one of its three trading days without crashing. On Thursday, it lasted a whole 15 minutes before a 7% plunge forced it to shutdown for the day. That has wrecked havoc on global markets, sending the Dow Jones Industrial Average down 5% already this year. Have any retirement savings? Yea, you just lost money. Don't feel too bad, as you're definitely not alone. Just about every single major stock market around the world has started the year like that. So at least we're all poor together. But who cares? Retirement is a ways off, right? Well, here's why you should also care in the short term. China and the global economy China occupies a special place in the global economy. It's the world's largest trading partner. Its growing middle and upper classes have become major consumers of the world's goods. Its manufacturing industry provides the demand for the raw materials produced by emerging economies, countries like India, Indonesia, Malaysia, Mexico and many others that are industrializing quickly. Kamran Dadkhah, associate professor of economics at Northeastern University, said that these connections mean China's problems are now everybody's problems. "It matters to everybody for one simple reason — that it is a connected world. It is a globalized world," he said. In the past couple decades, the country has experienced meteoric growth that is best shown by the Pudong area of Shanghai, a financial district that has sprung up from basically nothing. That being said, China is still going through a difficult transition from socialism to capitalism, meaning its government that once tightly controlled the economy is slowly letting the global market take the wheel. That's a tough process, particularly for a government that is used to being able to turn the economic knobs as it pleases. It still likes to do so from time to time, as it did on Thursday — a currency move that will get to in a bit. But to show how precarious things are, a relatively small tweak sent investors into a pretty steep nose dive. And when China dives, so does everybody else, as evidenced by the market declines around the world. Dadkhah warned not too put too much faith in the markets, however, noting that they are responding more to uncertainty than anything else. "A good deal of this is because of uncertainty. It's not because people actually know something has gone wrong," he said.

4. Their evidence is simply wrong and all hype – economic downturn does not lead to conflict.

Barnett 9 (Thomas, Senior Strategic Researcher – Naval War College, “The New Rules: Security Remains Stable Amid Financial Crisis”, Asset Protection Network, 8-25, http://www.aprodex.com/the-new-rules--security-remains-stable-amid-financial-crisis-398-bl.aspx)

When the global financial crisis struck roughly a year ago, the blogosphere was ablaze with all sorts of scary predictions of, and commentary regarding, ensuing conflict and wars -- a rerun of the Great Depression leading to world war, as it were. Now, as global economic news brightens and recovery -- surprisingly led by China and emerging markets -- is the talk of the day, it's interesting to look back over the past year and realize how globalization's first truly worldwide recession has had virtually no impact whatsoever on the international security landscape. None of the more than three-dozen ongoing conflicts listed by GlobalSecurity.org can be clearly attributed to the global recession. Indeed, the last new entry (civil conflict between Hamas and Fatah in the Palestine) predates the economic crisis by a year, and three quarters of the chronic struggles began in the last century. Ditto for the 15 low-intensity conflicts listed by Wikipedia (where the latest entry is the Mexican "drug war" begun in 2006). Certainly, the Russia-Georgia conflict last August was specifically timed, but by most accounts the opening ceremony of the Beijing Olympics was the most important external trigger (followed by the U.S. presidential campaign) for that sudden spike in an almost two-decade long struggle between Georgia and its two breakaway regions. Looking over the various databases, then, we see a most familiar picture: the usual mix of civil conflicts, insurgencies, and liberation-themed terrorist movements. Besides the recent Russia-Georgia dust-up, the only two potential state-on-state wars (North v. South Korea, Israel v. Iran) are both tied to one side acquiring a nuclear weapon capacity -- a process wholly unrelated to global economic trends. And with the United States effectively tied down by its two ongoing major interventions (Iraq and Afghanistan-bleeding-into-Pakistan), our involvement elsewhere around the planet has been quite modest, both leading up to and following the onset of the economic crisis: e.g., the usual counter-drug efforts in Latin America, the usual military exercises with allies across Asia, mixing it up with pirates off Somalia's coast). Everywhere else we find serious instability we pretty much let it burn, occasionally pressing the Chinese -- unsuccessfully -- to do something. Our new Africa Command, for example, hasn't led us to anything beyond advising and training local forces. So, to sum up: No significant uptick in mass violence or unrest (remember the smattering of urban riots last year in places like Greece, Moldova and Latvia?); The usual frequency maintained in civil conflicts (in all the usual places); Not a single state-on-state war directly caused (and no great-power-on-great-power crises even triggered); No great improvement or disruption in great-power cooperation regarding the emergence of new nuclear powers (despite all that diplomacy); A modest scaling back of international policing efforts by the system's acknowledged Leviathan power (inevitable given the strain); and No serious efforts by any rising great power to challenge that Leviathan or supplant its role. (The worst things we can cite are Moscow's occasional deployments of strategic assets to the Western hemisphere and its weak efforts to outbid the United States on basing rights in Kyrgyzstan; but the best include China and India stepping up their aid and investments in Afghanistan and Iraq.) Sure, we've finally seen global defense spending surpass the previous world record set in the late 1980s, but even that's likely to wane given the stress on public budgets created by all this unprecedented "stimulus" spending. If anything, the friendly cooperation on such stimulus packaging was the most notable great-power dynamic caused by the crisis. Can we say that the world has suffered a distinct shift to political radicalism as a result of the economic crisis? Indeed, no. The world's major economies remain governed by center-left or center-right political factions that remain decidedly friendly to both markets and trade. In the short run, there were attempts across the board to insulate economies from immediate damage (in effect, as much protectionism as allowed under current trade rules), but there was no great slide into "trade wars." Instead, the World Trade Organization is functioning as it was designed to function, and regional efforts toward free-trade agreements have not slowed. Can we say Islamic radicalism was inflamed by the economic crisis? If it was, that shift was clearly overwhelmed by the Islamic world's growing disenchantment with the brutality displayed by violent extremist groups such as al-Qaida. And looking forward, austere economic times are just as likely to breed connecting evangelicalism as disconnecting fundamentalism. At the end of the day, the economic crisis did not prove to be sufficiently frightening to provoke major economies into establishing global regulatory schemes, even as it has sparked a spirited -- and much needed, as I argued last week -- discussion of the continuing viability of the U.S. dollar as the world's primary reserve currency. Naturally, plenty of experts and pundits have attached great significance to this debate, seeing in it the beginning of "economic warfare" and the like between "fading" America and "rising" China. And yet, in a world of globally integrated production chains and interconnected financial markets, such "diverging interests" hardly constitute signposts for wars up ahead. Frankly, I don't welcome a world in which America's fiscal profligacy goes undisciplined, so bring it on -- please! Add it all up and it's fair to say that this global financial crisis has proven the great resilience of America's post-World War II international liberal trade order. Do I expect to read any analyses along those lines in the blogosphere any time soon? Absolutely not. I expect the fantastic fear-mongering to proceed apace. That's what the Internet is for.

### A2 Federalism DA

1. No link – the AFF already exists as a policy for married abusers – I don’t create a new policy, just expand it – and one instance could never affect federalism as a whole – their link doesn’t say it reverses all of federalism

2. Multiple alt causes – aff isn’t unique

A) EPA

Bakst 14—Research Fellow in Agricultural Policy at the Heritage Foundation

(Daren, “Reining in the EPA Through the Power of the Purse”, <http://www.heritage.org/research/reports/2014/08/reining-in-the-epa-through-the-power-of-the-purse>, dml)

In April, the EPA and the Corps published a proposed rule that would define what waters are covered.[14] The CWA covers “navigable waters.” This term is further defined as “the waters of the United States, including the territorial seas.”[15] In defining “waters of the United States,” the EPA is going well beyond the existing regulations. For example, the new rule would regulate all ditches—including man-made ditches—except in narrow circumstances and cover tributaries that have ephemeral flow, such as depressions in land that are dry most of the year except when there is heavy rain. This water (and land) grab is an attack on property rights. Private property owners would need to obtain permits from the federal government far more often than they already do now when seeking to use and enjoy their land. There has been widespread opposition to the rule from everyone from farmers to counties, which are concerned that the rule will impose costly new requirements on them. The proposed rule also undermines the principle of cooperative federalism that is supposed to govern the CWA.[16] States play a central role in the implementation of the CWA. Through this proposed rule, the EPA and the Corps would be usurping state and local power. States, local governments, and private property owners are better positioned to address their unique clean water needs than the federal government.

B) Current politics Robb 13

[Robert Robb is a columnist for the Arizona Republic and a RealClearPolitics contributor. “Obama and the Death of Federalism”, 2-20-13, http://www.realclearpolitics.com/articles/2013/02/20/obama\_and\_the\_death\_of\_federalism\_117073.html, msm]

President Barack Obama’s State of the Union address illustrated what a dead letter federalism is among Democrats. Not that further illustration was necessary.¶ Federalism holds that the national government should limit itself to things of truly national scope. Things that are primarily of local concern should be left to state and local governments.¶ Federalism was a big deal to the founders. They wanted an energetic national government, but one that was confined to enumerated national functions. The founders also envisioned a bright line between the federal and state governments, each sovereign within their own spheres.¶ We are a long way from that. Today, the Democratic Party sees virtually nothing as outside the purview of the federal government. The Republican Party talks a good game about federalism, but usually ends up undermining the principle when it acquires national power.¶ Today, the lines between the federal government and state and local governments are hopelessly blurred. The federal government spends over $600 billion a year on grants to state and local governments. Arizona state government receives more in federal funds than it raises in general-fund taxes.¶ Today, state governments operate principally as service delivery mechanisms for federal social-welfare programs. This means that there is no real political accountability for the programs, which is why they grow and function like a blob.¶ If Medicaid costs are spinning out of control, who’s to blame and who should do something about it? The federal government that provides most of the funding and sets up the basic rules, or the state governments that actually administer the program? The food stamp program has grown astronomically of late. Purely a function of a bad economy, or is there something else going on? Whose job is it to figure that out?¶ President Ronald Reagan wanted to sort out the blob with his new federalism initiative, clearly making some functions, such as Medicaid, fully federal, while making other functions, including most welfare programs, fully state and local. There were some Democratic governors at the time, including Arizona’s Bruce Babbitt, who were also interested in a sorting out of responsibilities.¶ But agreement was never reached, nothing of significance happened. So, the blob endured and grew.¶ Obama proposes to feed it even more. The federal government should establish manufacturing innovation institutes in economically distressed areas and provide incentive grants to states to increase the energy efficiency of homes and businesses.¶ The federal government should fix 70,000 bridges and create a federal fund to modernize ports and pipelines. The federal government should have a new grant program to get high-school graduates better ready for high-tech jobs. And, according to Obama, the federal government should make sure that every kid has access to high-quality preschool.¶ The federal government, however, does not have a greater interest in the recovery of economically distressed areas than the states in which they are located, or greater insight into how to turn them around. Every bridge in America is located in a state and local community that has a greater interest in its condition than the federal government.¶ Every port and pipeline in the United States is located in a state and local community. If there are gains to be had from modernizing them, local governments have a greater incentive to get it done and done right than the federal government.¶ Every kid in America lives in a state and local community that is more interested in his education and workplace preparedness than the federal government. What do we really have to show for the increased federal involvement in education, under George W. Bush or Obama?¶ The federal government is broke, and broke in a way that threatens the American economy. Proposals that it do even more are surreal, even if they are supposedly paid for. If there’s loose change to be had, the federal government should use it to reduce the deficit, not further expand its reach.¶ It’s nowhere on the horizon, but a revival of Reagan’s new federalism discussion is badly needed.

3. Federal government ban on guns doesn’t violate states rights. **Harwood 02**

Harwood, William [an attorney in Portland,¶ Maine. He is President¶ of Maine Citizens¶ Against Handgun Violence¶ and a member of the¶ American Bar Association¶ Coordinating Committee¶ on Gun Violence] . "Gun Control: State Versus Federal Regulation of Firearms." Maine Policy Review 11.1 (2002): 58-73. TF

Of more recent relevance to the subject of firearm¶ regulation, is the Supreme Court’s 1995 decision to¶ strike down the federal Gun-Free School Zones Act of¶ 1990 that made it a federal crime to possess a firearm¶ within a school zone.10 In a 5-4 decision entitled¶ United States v. Lopez, the Court ruled that the Act¶ impermissibly intrudes on the rights of states because¶ it does not fall within the federal government’s¶ constitutional power “to regulate commerce…among¶ the several states.” However, shortly after the ruling¶ Congress reenacted the law after making several “findings”¶ that the flow of firearms in interstate commerce¶ and the importance of education to interstate commerce¶ gave the federal government the authority to act.¶ To date the reenacted version has not been challenged.¶ In addition, in 1997 the United States Supreme¶ Court ruled in Printz v. United States that the 1994¶ Brady Act, requiring a waiting period for the purchase¶ of handguns while a background check was being¶ performed, was unconstitutional.11 In the view of the¶ Court, the Act impermissibly required state law enforcement¶ officials to participate in the background check¶ of each purchaser and thereby force them to help carry¶ out a federal mandate. As in the case of the Gun-Free¶ School Zones Act of 1990, the ruling was more¶ symbolic than substantive. Despite the decision, many¶ state law enforcement agencies continue to participate¶ in federal background checks because they believe it is¶ good public policy or they are already required to do¶ so by state law.12¶ At this point it is doubtful that states’ rights will¶ emerge as a significant limitation on the federal government’s¶ authority to regulate firearms. As demonstrated¶ by congressional reaction to Lopez, if Congress wishes¶ to regulate firearms, it is able to make the necessary¶ findings that particular regulations are reasonably¶ related to interstate commerce and therefore within the constitutional authority of Congress. Similarly,¶ although theoretically possible, there is no immediate¶ prospect that the federal government will attempt to¶ invoke federal preemption to limit the state government’s¶ authority to regulate firearms. Accordingly,¶ constitutional provisions favoring either state or federal¶ regulation are not likely to dictate whether firearms¶ should be regulated by the state or federal government.¶ At this point, as a matter of constitutional law, the field of firearm regulation appears wide open to both levels of government.

4. T- Federalism directly increases xenophobia and separatism. **Mutunga 01**

Willy Mutunga, Executive Director of the Kenya Human Rights Commission, The Nation, May 20, 2001.

Federalism promotes localism, ethnic and racial xenophobia and undermines the sense of nationhood. Unsurprising the United States and Nigeria are living survivors of debilitating separatist wars between their regions; India, despite its federal miracle still bleeds from secessionist movements. The introduction of ethnic-based 'quasi-regionalism' in post-Mengistu Ethiopia has fuelled the conflict over the proposed Oromia state by members of the Oromo ethnic population. Majimboism in the early 1960s had let off the lid of secessionist movements, particularly by Kenyan Somalis in North Eastern Province and the clamour for an autonomous "Mwambao" on the Coast. There is no guarantee that this time around, majimboism will not trigger ethnic recidivism and separatist movements, especially in North Eastern, Coast and Eastern province where the Oromo population may lean towards the movement for an Oromia state. Federalism's main weakness is that it is a very expensive system that duplicates services and office holders at the regional and federal levels. It lacks uniform policies on such issues of national concern as laws regulating marriages, divorce, abortions, liquor, voting rights and public education. Rather than ensuring economic equity, as many proponents of majimboism assume, it sets those regions, states or cantons with a weak market-base, capital, and resources down the spiral of economic decline. It subjects local governments to double subordination-by the central and regional governments-and the citizens to triple taxation. At a time when the country's economy is on its knees, the feasibility of a well-financed transition is highly doubtful.

Nuke war. **Gottlieb 93**

Gidon Gottlieb, Leo Spitz Professor of International Law and Diplomacy University of Chicago Law School, 1993, Nation Against State, p. 26-27

Self-determination unleashed and unchecked by balancing principles constitutes a menace to the society of states. There is simply no way in which all the hundreds of peoples who aspire to sovereign independence can be granted a state of their own without loosening fearful anarchy and disorder on a planetary scale. The proliferation of territorial entities poses exponentially greater problems for the control of weapons of mass destruction (WMD) and multiplies situations in which external intervention could threaten the peace. It increases problems for the management of all global issues, including terrorism, AIDS, the environment, and population growth. It creates conditions in which domestic strife in remote territories can drag powerful neighbors into local hostilities, creating ever widening circles of conflict. Events in the aftermath of the breakup of the Soviet Union drove this point home. Like Russian dolls, ever smaller ethnic groups dwelling in larger units emerged to secede and to demand independence. Georgia, for example, has to contend with the claims of South Ossetians and Abkhazians for independence, just as the Russian Federation is confronted with the separatism of Tartaristan. An international system made up of several hundred independent territorial states cannot be the basis for global security and prosperity.

5. Federalism isn’t modeled – multinational states prove. **Stepan 99**

Alfred Stepan, Professor of Government at Oxford and Columbia, 1999, Journal of Democracy 10.4, 19-34, “Federalism and Democracy: Beyond the U.S. Model,” muse

In seeking to understand why some countries are reluctant to adopt federal systems, it is helpful to examine what political science has had [End Page 20] to say about federalism. Unfortunately, some of the most influential works in political science today offer incomplete or insufficiently broad definitions of federalism and thereby suggest that the range of choices facing newly democratizing states is narrower than it actually is. In large part, this stems from their focusing too exclusively on the model offered by the United States, the oldest and certainly one of the most successful federal democracies. One of the most influential political scientists to write about federalism in the last half-century, the late William H. Riker, stresses three factors present in the U.S. form of federalism that he claims to be true for federalism in general. 1 First, Riker assumes that every longstanding federation, democratic or not, is the result of a bargain whereby previously sovereign polities agree to give up part of their sovereignty in order to pool their resources to increase their collective security and to achieve other goals, including economic ones. I call this type of federalism coming-together federalism. For Riker, it is the only type of federalism in the world. Second, Riker and many other U.S. scholars assume that one of the goals of federalism is to protect individual rights against encroachments on the part of the central government (or even against the "tyranny of the majority") by a number of institutional devices, such as a bicameral legislature in which one house is elected on the basis of population, while in the other house the subunits are represented equally. In addition, many competences are permanently granted to the subunits instead of to the center. If we can call all of the citizens in the polity taken as a whole the demos, we may say that these devices, although democratic, are "demosconstraining." Third, as a result of the federal bargain that created the United States, each of the states was accorded the same constitutional competences. U.S. federalism is thus considered to be constitutionally symmetrical. By contrast, asymmetrical arrangements that grant different competencies and group-specific rights to some states, which are not now part of the U.S. model of federalism, are seen as incompatible with the principled equality of the states and with equality of citizens' rights in the post-segregation era. Yet although these three points are a reasonably accurate depiction of the political structures and normative values associated with U.S. federalism, most democratic countries that have adopted federal systems have chosen not to follow the U.S. model. Indeed, American-style federalism embodies some values that would be very inappropriate for [End Page 21] many democratizing countries, especially multinational polities. To explain what I mean by this, let me review each of these three points in turn.

6. Nonunique - Bush spent eight years expanding federal authority – impacts should have already happened. **Dinan 09**

John Dinan and Shama Gamkhar May 14th, 2009 (Dinan is a professor of political science at Wake Forest, Gamkhar is a professor of public affairs at the University of Texas at Austin) “The State of American Federalism 2008–2009: The Presidential Election, the Economic Downturn, and the Consequences for Federalism” Published in Publius: The Journal of Federalism” page online: http://publius.oxfordjournals.org/cgi/content/full/pjp012 // GD

Still to be determined is whether Obama will be guided by a general approach to federal-state relations. Although George W. Bush opened his presidency by professing concern for federalism and state interests, he was notably inattentive to federalism considerations in office—supporting expansion of federal authority even on issues where Republicans had traditionally deferred to state authority such as education, prescription drug coverage, driver's licenses, and welfare policy, and rarely perceiving any tension between his policy priorities and state prerogatives or concerns (Conlan and Dinan 2007 ). It remains to be seen how Obama will handle situations where his policy priorities are in tension with state interests, and whether he will be any more attentive than his predecessor to federalism concerns in these crucial instances. To date, however, Obama has offered several important professions of respect for states’ role in the federal system, most notably in a December 2008 address to governors in Philadelphia and in a February 2009 toast to governors whom he honored by inviting them to the White House for his first presidential state dinner. Moreover, Obama and his cabinet can be expected to be sensitive to the perspective of state and local governments, as a result of the president's experience as an Illinois state legislator and his appointment of current or recent state and local office-holders to head the Departments of Education, Homeland Security, Commerce, and Health and Human Services. These developments suggest at least the possibility of a different approach to federal-state relations (Harkness 2009).

7. Federalism does not work to solve conflicts **McGarry and O’Leary 94**

John Warren McGarry and Brendan O'Leary. Jan 1994. “The political regulation of national and ethnic conflict.” Parliamentary Affairs v47.n1 pp94(22).

Unfortunately, federalism has a poor track record as a conflict-regulating device in multi-national and polyethnic states, even where it allows a degree of minority self-government. Democratic federations have broken…Federal failures have occurred because minorities continue to be outnumbered at the federal level of government. The resulting frustrations, combined with an already defined boundary and the significant institutional resources flowing from control of their own province or state, provide considerable incentives to attempt secession, which in turn can invite harsh responses from the rest of the federation…genuine democratic federalism is clearly an attractive way to regulate national conflict, with obvious moral advantages over pure control. The argument that it should be condemned because it leads to secession and civil war can be sustained only in three circumstances: first, if without federalism there would be no secessionist bid and, second, if it can be shown that national or ethnic conflict can be justly and consensually managed by alternative democratic means; and third, if the secessionist unit is likely to exercise hegemonic control (or worse) of its indigenous minorities.

### A2 Gourevitch/Race DA

1. No link – I only defend gun bans for convicted abusers – that’s a minimal number of cases and those people don’t use guns for self defense, only abuse.

2. Non-unique – police already enforce stop and frisk to the maximum extent for drug laws and other gun bans since the AFF already exists for married abusers – resources are finite so just banning one more group of people wouldn’t make them worse

3. No link – We don’t change policing – we only deny access to guns for people convicted of dating crimes, which means they’ve already been convicted. We only change background checks

4. Turn - violence from guns is an everyday war on blacks – whites don’t support gun control because they’re not the ones affected. **DeBrabander 15**

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015, CC

But this is far from the real thing. Gruesome Hollywood depictions spark deep, irrational fear of crime, but they do not communicate or reflect its real face, which is readily seen— if we care to look— in our inner cities and countless poor communities across America. While Americans eagerly devour spectacular bloodshed as entertainment— and use that to justify their need for a gun, indeed, many guns— hundreds of people meet an unglorious, unremarked death on the streets of cities like Baltimore every year. The television viewing public does not come to know the mean conditions of their demise, the quick, blunt ends of desperate lives. The fates of Baltimore’s murdered poor are hardly celebrated or studied by the media, and are instead belittled or swept under the rug by police and politicians. Suburbanites commute to work every day amidst the violence that afflicts Baltimore’s most desperate neighborhoods on either side of the highway; they flock to football and baseball games downtown, oblivious to the misery that rules the city’s roughest streets and how they are so surely insulated from it. For poor blacks— who are disproportionately affected by violent crime— the America they know can be a veritable war zone. According to a Bureau of Justice Statistics report, between the years 1976 and 2005, the homicide rate for white Americans was 4.8 per 100,000, but an astounding 36.9 for blacks. 80 The United States Conference of Mayors, one of the loudest voices calling for gun control, noted in 2012 that “homicide is the leading cause of death for African American males between the ages of 15 and 24.” African Americans comprise just 15 percent of the nation’s child population, but “made up 45 percent of child gun deaths in 2008 and 2009,” the Children’s Defense Fund reports. 82 Many of our nation’s mayors, as well as many African Americans, complained following the Sandy Hook shootings, when the American public seemed newly aware of gun violence, that the constant flood of gun deaths in our inner cities is neglected and ignored. The Washington Post ran an article on residents of the most dangerous neighborhood in the District, noting their frustration that the killings “in mostly white, middle class Newtown, Connecticut” spurred political concern. “Twenty-six people died in Sandy Hook Elementary. In the District’s Sixth Police District, an area of fewer than 10 square miles … 19 lives were lost to gun violence last year and 55 people were wounded in shootings. The year before that, 22 people were killed and 35 were wounded. Eighty-eight lives were lost in the city last year.” 83 A quarter of Washington’s murders took place in one small part of the city, a neighborhood subjected to a merciless onslaught of violence. It is no surprise that inner-city residents tend to find the notion of “gun rights” a bit offensive. Of the homicide epidemic that afflicts the African American community at large, the Centers for Disease Control points out, “more than 90 percent of the violence is from other blacks, mostly from guns.” 84 As one Washington resident put it, “[ guns] are for wars, and we have a war in the inner city.” 85 It is hardly conceivable that the rest of America would tolerate all the talk equating gun rights and freedom if middle-class whites were killing one another at similar rates.

5. Case turns and outweighs – IPV disproportionately effects marginalized groups and furthers racism. **Jones 14**

Feminista Jones, Why Black Women Struggle More With Domestic Violence, Time Magazine

And for Black women, it’s an even bigger problem: Black women are almost three times as likely to experience death as a result of DV/IPV than White women. And while Black women only make up 8% of the population, 22% of homicides that result from DV/IPV happen to Black Women and 29% of all victimized women, making it one of the leading causes of death for Black women ages 15 to 35. Statistically, we experience sexual assault and DV/IPV at disproportionate rates and have the highest rates of intra-racial violence against us than any other group. We are also less likely to report or seek help when we are victimized. The reasons Black women suffer disproportionately from abuse are complex. Racism and sexism are two of the biggest obstacles that Black women in America face. But because many Black women and men believe racism is a bigger issue than sexism, Black women tend to feel obligated to put racial issues ahead of sex-based issues. For Black women, a strong sense of cultural affinity and loyalty to community and race renders many of us silent, so our stories often go untold. One of the biggest related impediments is our hesitation in trusting the police or the justice system. As Black people, we don’t always feel comfortable surrendering “our own” to the treatment of a racially biased police state and as women, we don’t always feel safe calling police officers who may harm us instead of helping us. And when we do speak out or seek help, we too often experience backlash from members of our communities who believe we are airing out dirty laundry and making ourselves look bad in front of White people. Access to employment and economic self-sufficiency are also important. Racism has a disparate impact on Black people, men especially, who have, for the past six decades, consistently been held to an unemployment rate almost double that of white men. In a society that measures “manhood” primarily by one’s ability to provide, being denied access to the means to provide can cause some men to seek power through dominating women. For some men, the venting of anger turns violent and their partners suffer the greatest blows. Black women also face employment disparities, earning less than Black men and White men and women. This wage disparity limits available options and leaves many women, particularly mothers, feeling trapped in bad relationships where financial needs trump all. Spiritual beliefs and negative views about mental health services also factor into why many Black women remain with abusive partners. One in three Black Americans who need mental health treatment actually receive it, and we are more likely to rely on religious guidance and faith-based practices when working through relationship issues. Religious beliefs often discourage divorce, encourage forgiveness and occasionally condemns those who seek psychiatric services instead of relying on faith. Black women’s perceptions of what constitutes abuse have been influenced by their negotiation of spiritual and mental health beliefs and how they have shaped our paradigms. Researchers have also found that Black women report feeling more obligated to fight back than to report abuse and that is reflected in the disproportionate rates of DV/IPV reported by Black men. Our attempts to embody the “strong Black woman” stereotype have often done more harm than good, to us and those we love. There is a lot we don’t fully understand about the unique ways in which Black women endure DV/IPV because the lack of empirical research is indicative of what may simply be lack of empathy and concern for what Black women experience. I have been a fierce advocate for Black women and a mental health social worker for more than a decade and I have learned that we cannot win this fight if we don’t acknowledge any such fight exists to begin with. We need to continue speaking out and social media has become valuable in helping victims share their stories and learn about resources that can help. We need to push for stronger laws that punish criminal abusers and we need to advocate for more treatment options for victims and abusers who seek help. We need to fund advocacy programs and supportive services for victims of DV/IPV and work on reducing the stigma attached to seeking help when one is in trouble. Most of all, we need to believe that Black girls and women are valuable, important and worth putting ourselves and our personal safety first, and in our society that might be the hardest thing of all. For too long, the experiences of Black women have been ignored, particularly when it comes to those that affect our overall health and well-being. For centuries, our bodies and labor have been exploited to serve the needs of everyone but ourselves, and the physical and psychological toll can no longer be swept under the rug. Black women matter and the longer we remain invisible and have our dignity stripped and our humanity disregarded, the closer we get to the destruction of our families and communities. We must all work to end the marginalization of Black women and focus our energies on amplifying our voices and sharing what we go through at home, at work and in our communities.

5. This is NRA manipulation – the majority of blacks support gun control. **Everitt 10**

Ladd Everitt, 9/16/10, “Debunking the ‘gun control is racist’ smear,” Waging Non-Violence, DT.

In a Pew [poll](http://pewresearch.org/pubs/1212/abortion-gun-control-opinion-gender-gap) taken last year, **an overwhelming majority of blacks**, 72%, **said it was more important to control gun ownership than to protect the right to own guns**. Only 20% said that protecting the right to own guns was more important. There’s a [good reason](http://www.vpc.org/studies/blackhomicide10.pdf) why **few African-Americans associate guns with “freedom”** and “liberty.” **The** national U.S. **homicide rate** is 5.3 per 100,000 people. **Among blacks,** it’s 20.9 per 100,000. That’sfour times the national rate and **seven times the white rate.** In 82% of black-victim homicides in which the fatal weapon can be identified, it’s a gun. And 73% of those gun deaths are inflicted by handguns. Charles Lane has [said](http://www.washingtonpost.com/wp-dyn/content/article/2008/03/21/AR2008032102540.html) that, **“Firearms pose threats to modern-day urban dwellers—**crime, suicide, accidents—**that** may **outweigh any self-defense** they provide. Unlike 19th-century rural Americans, we can call on professional police.” Otis McDonald might not agree, but certainly other African-Americans in his community do. Annette Holt, whose 16 year-old son was shot and killed on a Chicago school bus while shielding a fellow student from harm, [called](http://www.voanews.com/english/news/usa/Debate-Continues-over-US-Gun-Laws-97875114.html" \t "_blank) the *McDonald v. Chicago* decision “a slap in the face to all of us who have lost children to gun violence.” Then there is **the Chicago City Council, which voted unanimously to approve the city’s strict,** post*-McDonald* **gun laws.** Robert Farago was blunt in his [assessment](http://www.washingtontimes.com/news/2010/jul/6/racist-pols-go-straight-back-to-disarming-blacks/): “Not to put too fine a point on it, Chicago’s new handgun-licensing laws are inherently racist.” **NRA** CEO Wayne LaPierre [ranted](http://www.youtube.com/watch?v=W8IotbyXzko) about “defiant city councils” that seek to “nullify” *McDonald*with regulations that are akin to “the poll tax or the literacy test.” Both men **failed to mention that 20** out **of the** Chicago City **Council’s 50 members are African-American.** One has to wonder if the tragic irony of the *McDonald* decision was lost on the Supreme Court’s conservative majority and pro-gun activists. “[The Second Amendment] now is being used to help protect a black Chicago man from local gangbangers,” Clarence Page wrote. Those **gangbangers** aren’t white terrorists from days gone by. **In many cases, they’re black kids with sophisticated weaponry courtesy of a deliberate marketing effort by firearm manufacturers.** The Bureau of Justice Statistics has [reported](http://bjs.ojp.usdoj.gov/content/homicide/race.cfm) that, between 1976 and 2005, 94% of black homicide victims were killed by blacks.

Speaking for others furthers oppression and makes solutions impossible. **Alcoff 91**

\*Bracketed for gendered language.

Hunter College and CUNY philosophy professor, 1991 (Linda Martin, “The Problem of Speaking for Others” originally published in Cultural Critique, No. 20, Winter, 1991-1992 , cut from www.alcoff.com/content/speaothers.html EE

The recognition that there is a problem in speaking for others has followed from the widespread acceptance of two claims. First, there has been a growing awareness that where one speaks from affects both the meaning and truth of what one says, and thus that one cannot assume an ability to transcend her location. In other words, a speaker's location (which I take here to refer to ~~her~~ [their] social location or social identity) has an epistemically significant impact on that speaker's claims, and can serve either to authorize or dis-authorize one's speech. The creation of Women's Studies and African American Studies departments were founded on this very belief: that both the study of and the advocacy for the oppressed must come to be done principally by the oppressed themselves, and that we must finally acknowledge that systematic divergences in social location between speakers and those spoken for will have a significant effect on the content of what is said. The unspoken premise here is simply that a speaker's location is epistemically salient. I shall explore this issue further in the next section. The second claim holds that not only is location epistemically salient, but certain privileged locations are discursively dangerous.[5](http://alcoff.com/content/speaothers.html#footnote5) In particular, the practice of privileged persons speaking for or on behalf of less privileged persons has actually resulted (in many cases) in increasing or reenforcing the oppression of the group spoken for. This was part of the argument made against Anne Cameron's speaking for Native women: Cameron's intentions were never in question, but the effects of her writing were argued to be harmful to the needs of Native authors because it is Cameron rather than they who will be listened to and whose books will be bought by readers interested in Native women. Persons from dominant groups who speak for others are often treated as authenticating presences that confer legitimacy and credibility on the demands of subjugated speakers; such speaking for others does nothing to disrupt the discursive hierarchies that operate in public spaces. For this reason, the work of privileged authors who speak on behalf of the oppressed is becoming increasingly criticized by members of those oppressed groups themselves.[6](http://alcoff.com/content/speaothers.html#footnote6)

6. Permissive gun laws are racist – white people don’t support gun control because they’re not the ones who die from gun violence. **Gutting 15**

Gary Gutting 12/28/15, “Guns and Racism,” New York Times http://opinionator.blogs.nytimes.com/2015/12/28/guns-and-racism/ DT.

**Our permissive gun laws are a manifestation of racism,** an evil that, in other contexts, most gun-control advocates see as a fundamental threat to American society. We’ve heard a lot recently about how blacks still don’t feel safe in this country. You can argue about how seriously to take complaints from black students at elite universities or even whether outrageous cases of unjustified police shootings are just isolated occurrences. But **there’s no argument that black people in the “bad parts” of our cities have to live with utterly unacceptable levels of gun violence. In 2010, blacks,** who make up only 13 percent of the population, **were 55 percent of gun homicide victims. It’s no surprise that blacks favor stricter gun controls considerably more than** whites do. How does racism enter into this picture? Let me put it in personal terms. I spend a fair amount of time in Chicago, where the newspapers regularly offer front-page reports of shootings from the previous night. Checking The Tribune on a recent morning, I learned that two people were killed and a dozen wounded. You might think that a steady stream of such reports (this year, Chicago will have over 2,700 shootings, with over 400 people killed) would induce high levels of fear, especially since many shootings occur on the streets. In fact, I’m not particularly afraid, since— like most Chicagoans — I’m hardly ever where the violence occurs. There’s something to worry about only if you live in certain overwhelmingly black communities on the West and South sides of town. (The papers publish helpful [maps](http://crime.chicagotribune.com/chicago/homicides) showing how the killings are distributed.) These are where almost all the shootings occur, and the large majority of victims (and perpetrators) are black. The patterns are similar in other large American cities, so that **those who live with gun violence as an imminent, personal threat are mostly black.** But **imagine if there regularly were shootings in previously “safe” white areas.** Now there are frequent killings on the Magnificent Mile, the Gold Coast and in Lincoln Park. Both the perpetrators and the victims are white, and, despite greatly increased police protection, the violence continues. **Given the strong support for gun control among residents of these areas, the cause would quickly become very personal.** Chicago has relatively strong gun laws, but the city borders on Indiana, where the laws are much laxer. My neighbors and I would join a vigorous and relentless campaign for stricter national gun laws.

### A2 Illegal Market DA

**1.** IPV is not like robberies – it usually escalates in the spur of the moment – only criminals planning large crimes turn to the illegal market since they have those connections. **Jeltsen 14**

Melissa Jeltsen. “These Abusers Aren't Allowed To Own Guns. So Why Aren't States Removing Them?” Huffington Post. October 14, 2014. CC

One argument against gun restrictions is that if an abuser is determined to kill, he’ll find another way. David Adams, a psychologist who has interviewed dozens of batterers who killed their victims and wrote the book Why Do They Kill?: Men Who Murder Their Intimate Partners, said that the research suggests otherwise. “Having interviewed killers about this, there’s a moment of time and a window of opportunity for them to kill,” he said. “Many of the killers said something to the effect of ‘24 hours before the incident, I couldn't stop thinking about her, I couldn't sleep, I couldn't eat,’ really obsessed. If they have a gun during that opportunity and access to her, it was going happen. If they didn’t have a gun, that moment may have forever passed.” One study found that the presence of a gun in a domestic violence situation makes it five times more likely a woman will be murdered by her abuser. Over half of all women killed by intimate partners between 2001 to 2012 were killed using a gun, according to the Center for American Progress. Adams said the more time that passes post-separation, the safer it becomes for the victim. “Confiscating a gun from someone who is prone to these impulsive acts of retribution is incredibly important -- really the difference between life and death,” he said.

**2.** Illegal market is comparatively better than the squo – AFF is enforced with laws and policing that make it hard to illegally get a gun even if there’s a market to buy

**3.** The AFF isn’t large enough to trigger a full scale illegal market – we only ban handguns for convicted abusers which wouldn’t fuel organized crime

4. Gun bans far outweigh the illegal market – multiple empirical examples prove. **DeFilippis 15**

\*\*Modified for black market

Evan DeFilippis and Devin Hughes, Gun-Rights Advocates Claim Criminals Don’t Follow Gun Laws. Here’s the Research That Shows They’re Wrong., The Trace, 9/8/ 2015. NS

Wayne LaPierre of the NRA frequently casts doubt on the ability of regulations to curb criminal behavior, stating earlier this year that “we don’t have to guess how hardened criminals will get their guns if universal background checks are passed, because we already know how they get them now: through theft, black market purchases, criminal associates, and straw purchasers. Background checks cannot and do not stop any of these things.” Contrary to LaPierre’s pessimism regarding the apparent futility of trying to stem the tide of illegal guns, Philip Cook of Duke University and several colleagues have found that it is the flow of firearms, not the volume, that is the key factor in gun crime. These market characteristics mean that regulations on transactions, even in the legal channels, can help increase costs in the [illegal] black market and subsequently deter criminals from obtaining firearms. If gun regulations can effectively dampen the supply of new firearms and ammunition, thereby making transactions more challenging to complete, prices will rise and criminals will be more hesitant to obtain a firearm — and may even forgo it altogether. These market influences were validated in a 2007 study by Cook and Jens Ludwig of the University of Chicago, which discovered a significant [illegal] black market markup on the price of weapons relative to the cost in the legal market. The economics are perhaps most vivid in Chicago, where ammunition is largely illegal except under specific circumstances. In interviews with researchers, one gang member reported paying $50 for 10 bullets for a Beretta semi-automatic, roughly 50 times more expensive than store prices at the time. “You really don’t have someone who sells ammo around here,” another criminal said. “I mean it’s like you have to hope you can get it from [a gang] or maybe [a street dealer].” “Time to crime” measures the time between when a gun is first bought and later found at a crime scene. The higher the time to crime, the harder criminals work to get their hands on weapons. Arizona, a state with loose gun laws, has a time to crime of 8.86 years, according to a new ATF report. In California, which has strict gun regulations, the number is 13.52 years. Another startling feature of the markets that supply criminals is how swiftly guns make their way from legal gun stores to crime scenes when they are not fettered by tougher laws. In one study conducted by Franklin Zimring, a UC Berkeley law professor, it was discovered that a large number of the guns seized in major metropolitan areas were sold by retail outlets relatively recently. Other studies have confirmed this point, finding that the many crime guns have a short “time-to-crime” (the time between when a gun is first bought and found at a crime scene), usually of a couple of months to a couple years. The exception to this rule are guns used by gang members in areas with strict gun regulations — again including Chicago, where time-to-crime numbers ran to 11.6 years as of 2013, the most recent data available. More than 60 percent of those guns were imported from outside Illinois, meaning that criminals looked to states with weaker gun laws to obtain their weaponry. In fact, time-to-crime is often used as a proxy in gun violence research to measure the effectiveness of gun laws in limiting the diversion of firearms to criminals. If guns used for illegal purposes in Chicago consistently have a longer time-to-crime than guns in other cities, then that can be taken as evidence that Chicago’s gun laws are obstructing criminal activity. A 2014 study by criminologist Glenn Pierce at Northeastern University found that California, with its strict legal and regulatory regime governing firearms, also produces crime guns with a much longer time-to-crime than other states. These numbers were confirmed by a recently issued ATF report, which found in 2014 that California, a state with strict gun laws, had an average time-to-crime of 13.52 years, versus a state with lax gun laws like Arizona, which had an average of 8.86 years. A recent survey conducted by Cook and several colleagues interviewed 99 prison inmates with gun related offenses in Chicago, and found that very few respondents bought their gun directly from a federally licensed gun dealer. Instead, most relied on a network of family and friends to obtain their weaponry. Pro-gun media and the NRA quickly pounced on the survey, claiming this was proof that criminals don’t follow laws and will be able to obtain firearms no matter what restrictions are implemented. Actually, the survey points in the opposite direction, indicating that regulations that produce higher prices for guns and ammunition in the [illegal] black market can have a significant impact on criminal activity in the aggregate. The interviews by the Cook team reveal that gun regulations have forced Chicago’s criminals (particularly gang members) to search for out of state sources and create an elaborate network of personal contacts to transfer guns, out of fear of being caught by police. As one respondent stated: “Most people either go to the down-South states or go to Indiana” — where gun laws are looser than Chicago’s and Illinois’ — “to get guns, or people obtain gun licenses, go to the store and then resell.” Another respondent further expounded on the difficulties of obtaining firearms: “A lot of guys in the ‘hood’ don’t have access — a lot of networking stuff going on.” These findings paired with time-to-crime data demonstrate that Chicago’s gun laws are influencing the behavior of criminals and imposing greater transaction burdens on the illicit market. Gun violence continues to rock the city, but it’s fueled by the supply of guns from lightly regulated markets that undermine local barriers. As Cook tells The Trace, if guns and ammunition “were more readily available in Chicago, and more of the dangerous youths had ready access at low prices, I’m convinced that there would be even more shootings.”

#### A2 Cook

1. This is miscut – Cook concludes even with an illegal market there’s a net reduction in violence. **Cook 07**

\*Conclusion

Philip J. Cook – professor at Duke University and NBER; Jens Ludwig – professor at Georgetown University and NBER ; Sudhir Venkatesh - professor at Columbia University; Anthony A. Braga – professor at Harvard University: “Underground Gun Markets” research was supported by a grant from the Joyce Foundation and written in part while Cook and Ludwig were resident fellows at the Rockefeller Foundation’s Bellagio Study and Research Center; August 2, 2007. NS

One policy implication of our findings is that law enforcement efforts targeted at reducing gun availability at the street level seem promising. If “thinness begets thinness” in markets with non-trivial search costs, as suggested by Diamond (1982), then the impact of stepped-up enforcement activities may produce multiplier effects. Of course this virtuous cycle becomes vicious if reversed, which is of some concern given recent cuts in federal funding for law enforcement in general and for gun- oriented activities in particular (Donohue, 2004; Lichtblau, 2004). Our results also provide some support for police strategies that hold the gang as a whole accountable for gun possession or misuse by individual members, thus creating an incentive for gang leaders to regulate gun access among members. This collective-deterrence strategy seeks to leverage gang cohesion together with the economic motivations of gang leaders and was a key feature of Boston’s Operation Ceasefire (Braga et al., 2001; Piehl et al., 2003). While the public safety gains from local restrictions on gun ownership may be modest, broad efforts that could reduce the rate at which households own guns have promise. In principle widespread household gun ownership can have positive as well as negative externalities, by generating a general deterrent threat to criminal predation (Lott, 2000). However in practice weapon choice by violent criminals is positively correlated with prevalence of gun ownership. The best evidence indicates that an increase in gun prevalence results in more homicides, burglaries and perhaps suicides as well (Duggan, 2001, 2003; Cook and Ludwig, 2003, 2006a). The dollar value of the negative externality may be considerable – in one estimate, $600 per year per gun-owning household (Cook and Ludwig, 2006a). Increased sales taxes on guns and ammunition, or even licensing systems with annual permit fees for gun ownership, may further contribute to market thinness and increase transaction costs to criminals.

2. The paragraph after says that illegal markets are too thin to be effective. **Cook 07**

Philip J. Cook – professor at Duke University and NBER; Jens Ludwig – professor at Georgetown University and NBER ; Sudhir Venkatesh - professor at Columbia University; Anthony A. Braga – professor at Harvard University: “Underground Gun Markets” research was supported by a grant from the Joyce Foundation and written in part while Cook and Ludwig were resident fellows at the Rockefeller Foundation’s Bellagio Study and Research Center; August 2, 2007. NS

The first contribution of our article is to establish the existence of substantial transaction costs in the underground gun market, based on a series of in-depth ethno- graphic interviews conducted in two high-crime neighbourhoods on Chicago’s South Side by a member of our research team (Sudhir Venkatesh, hereafter SV). In Section 2 we document large mark-ups over legal prices, search costs, a high rate of uncompleted transactions and substantial physical risk and uncertainty about gun quality. These findings stand in stark contrast to both standard economic intuition and the prevailing common wisdom about gun markets in the US. We argue in Section 3 that the most likely explanation for these transaction costs is the fact that the gun market is both illegal and “thin”, that is, has few buyers and sellers. The illegality of the gun market increases search costs for prospective trading partners. Diamond (1982) notes that in this type of trading environment there can be a market “thickness effect” on transaction costs. In Section 3 we also consider four types of explanations for why the gun market is thin: police; gangs; neighbourhood-specific factors such as attitudes towards guns in high-poverty, high-minority urban areas; and city-specific factors such as Chicago’s ban on handguns. We find that law enforcement activities appear to matter more in suppressing supply in the gun market than in other underground markets, such as those for drugs, in part because the street gangs that are well positioned to deal in guns avoid doing so for fear of attracting police attention, thereby jeopardising the profits associated with the more lucrative drug trade. There is a possibility that the underground gun market in SV’s neighbourhoods differ from other Chicago neighbourhoods, but we show that there is more similarity than difference, at least with respect to the dimensions we can measure from administrative and survey data. We have no direct test of the influence of Chicago’s handgun ban in reducing gun availability but demonstrate that it was ineffective in reducing the prevalence of gun ownership in the city. The frictions we observe in the underground market are more likely due to the general scarcity of guns in the city (gun ownership rates are quite low, a fact that predates the ban) and on Chicago’s emphasis on anti-gun policing. But even in cities with more guns and less enforcement, our analysis of multi-city survey data of arrestees indicates that many criminals find it difficult to obtain one.

### A2 Prisons/Incarceration DA

1. No link – the AFF only applies in a small number of cases for people convicted of IPV – that’s not enough to fuel prisons and abusers shouldn’t be allowed to commit more violence anyways

2. No link – we’re a ban not criminalization – if you ban cigarettes you don’t arrest people for them you just take them away

3. CJS reform coming now. **Collins 1/13**

[Michael Collins](http://www.drugpolicy.org/about-us/staff-and-board/staff/michael-collins-deputy-director-national-affairs" \t "_blank) is the deputy director of national affairs for the Drug Policy Alliance., 1-13-16, Obama Raises Criminal Justice Reform Stakes in State of the Union, <http://www.huffingtonpost.com/michael-collins/state-of-the-union-criminal-justice_b_8973614.html> DOA: 1-14-16

Obama didn't give a traditional SOTU with a laundry list of items he wants Congress to pass. But strikingly, in his opening sentences, **Obama said, "I hope we can work together on bipartisan priorities like criminal justice reform**." **With these words, Obama gave the prospects of criminal justice reform a boost on one of the biggest stages possible.** The legislation that the president had on his mind was likely **the Sentencing Reform and Corrections Act**. This bill, the result of a bipartisan compromise among many Senators -- notably Chuck Grassley (R-IA), Dick Durbin (D-IL), and John Cornyn (R-TX) **-- would represent a huge step in the right direction by reducing mandatory minimums for drug offenses, making many of these reductions retroactive, providing for additional compassionate release and programming to prevent recidivism.** Groups like the Drug Policy Alliance have been hard at work to make sure the bill reaches the president's desk. In October last year, the Senate Judiciary Committee [voted 15-5 to advance the bill](http://www.drugpolicy.org/news/2015/10/historic-criminal-justice-bill-passes-senate-judiciary-committee" \t "_blank). Since then, the bill has added many cosponsors, including Republicans such as Senator Burr (R-NC), Roberts (R-KS), and Blunt (R-MO). All eyes are now on Senate Majority Leader Mitch McConnell (R-KY) as advocates now push for a full Senate floor vote on this important bill. **On the House side**, where things have been traditionally more chaotic, **there is also much movement**. House Judiciary Chair Bob Goodlatte (R-VA) has worked with his Democratic colleagues John Conyers (D-MI) and Sheila Jackson Lee (R-TX) to move criminal justice reform legislation. Unlike the Senate, the House is moving legislation in a piecemeal fashion, moving sentencing reform and prison reform separately whereas the Senate combined both. Accordingly, the House Judiciary Committee moved a bill in November that replicates the sentencing provisions of the Senate bill. The vote on this bill was even better than the Senate's Committee vote -- it passed unanimously. Take a moment to contemplate that -- a bill that reduces sentences for drug offenders was approved by every member, Republican and Democrat, on the House Judiciary Committee. Such a vote hugely increases the prospects of a bill reaching the President's desk. **Another boost is the fact that House Speaker Paul Ryan has repeatedly said that criminal justice reform is a priority issue for him** and one of the few things Congress can get done this year. But the process is not without obstacles. The number one issue is timing. The closer we get to elections, the harder it becomes for Congress to do anything meaningful. Primaries and campaigns take all the air out the room. The clock is ticking and we need the support of advocates like you. If your senator is not listed as a supporter of the bill already (see [here](https://www.congress.gov/bill/114th-congress/senate-bill/2123/cosponsors" \t "_blank)), then you should be calling his/her office to get them on the bill. But I'm optimistic**. Politically, we have all the right ingredients for the bill to pass**. Substantively, this is an issue whose time has come. The bills are not perfect, and more has to be done, but[we need your help](https://engage.drugpolicy.org/secure/reform-our-drug-sentencing-laws" \t "_blank) to get this important effort across the finish line

Solves incarceration – their ev is extremely outdated. **Cox 15**

Cox 15 (Todd, Senior Fellow @ Center for American Progress, 10/22, "Congress Should Act to Make Criminal Justice Reform History," <https://www.americanprogress.org/issues/guns-crime/news/2015/10/22/123935/congress-should-act-to-make-criminal-justice-reform-history/>)

The impact of mass incarceration on communities of color is particularly staggering and is a significant driver of racial inequality in the United States. People of color comprise more than 60 percent of the population behind bars despite making up only approximately 39.9 percent of the U.S. population. Criminal justice reform is a central civil and human rights issue of this century. As such, it is critical that policymakers act to end mass incarceration and overcriminalization—particularly with regard to how they affect poor communities and communities of color—by creating an equitable and balanced justice system that removes unnecessary barriers to opportunity for people with criminal records. Congress is now moving to address some of these issues. The Sentencing Reform and Corrections Act of 2015, also known as the Sentencing Reform Act, and the Fair Chance to Compete for Jobs Act of 2015, or Fair Chance Act, are focused, bipartisan pieces of legislation that tackle many of the root causes and impacts of overincarceration and the overcriminalization of poor communities and communities of color. The bipartisan Sentencing Reform Act includes several key recommendations proposed by the Center for American Progress, including improving the accuracy of criminal history records and sealing or expunging juvenile records under certain circumstances. The bill takes a number of steps to end the unnecessarily harsh penalties and outcomes that characterized the now-discredited policies of the tough-on-crime era. These measures include: Expanding the existing safety valve and giving judges additional discretion to relieve significant numbers of people from unnecessarily harsh mandatory minimum sentences Making the Fair Sentencing Act of 2010 retroactive, thereby making the reductions in the sentencing disparities between crack and powder cocaine—disparities that have a disproportionate racial impact­—available for thousands of current federal prisoners Providing sentence reductions and early releases for prisoners who successfully complete rehabilitation programs Limiting the use of solitary confinement for juveniles in federal custody Providing for the sealing or expungement of juvenile criminal records under certain circumstances, which would help create opportunities for young people to overcome or avoid many of the barriers that confront those with criminal records, including barriers to employment, housing, and education Requiring the attorney general to develop a process for individuals who are undergoing employment criminal background checks to challenge the accuracy of their federal criminal records, which would help to address the well-documented problem of errant criminal records databases The Sentencing Reform Act is a good first step and contains significant reforms that, taken together, would address many of the concerns with the U.S. criminal justice system. However, more action is needed to bring these reforms to life and make them more complete. Among other things, lawmakers need to seriously address the barriers to opportunity confronted by those with criminal records. Doing so would afford these individuals a second chance and, just as importantly, make communities safer. The bipartisan Fair Chance Act, introduced in both the U.S. Senate and the U.S. House of Representatives in September, would help remove barriers to employment in the federal government for people with criminal records. Because employment status is an important predictor of an individual’s ability to remain crime free, this legislation would offer an important tool for preventing recidivism. Following the example of several large and small companies, as well as some state and local governments, the Fair Chance Act would prohibit the federal government and federal contractors from asking about criminal history until the final conditional offer stage. Notably, the Fair Chance Act would not prevent the federal government or contractors from asking about criminal history outright. Instead, the act—which follows a CAP recommendation for the adoption of fair chance hiring practices—would provide the opportunity for individuals with criminal records to be considered for federal employment on their own merit without being immediately disqualified. The federal government and contractors would still have the opportunity to learn about applicants’ criminal histories before hiring them. Following bipartisan praise, this landmark legislation was voted out of the Senate Committee on Homeland Security and Governmental Affairs by voice vote and will advance to the Senate floor for consideration. Both of these bills are important first steps. They are critically needed and long overdue. As the Sentencing Reform Act moves to markup and the Fair Chance Act moves to the Senate floor, the Center for American Progress calls on congressional leaders to take this unprecedented opportunity to build on broad bipartisan momentum and reform the nation’s broken criminal justice system by moving immediately to pass these bills. Congress should also quickly consider the additional actions needed to end the scourge of mass incarceration and overcriminalization of poor communities and communities of color, such as reforms to how the United States polices its communities and reforms that remove additional barriers for individuals with criminal records.

### A2 Newark Drugs DA

CJS reform won’t pass **Isquith 1-28**

Elias Isquith, "Criminal justice reform will have to wait: How Ted Cruz and Mitch McConnell sunk a bipartisan dream," Salon, January 28, 2016. CC

The chances were slim already, but with his recent statement to the Associated Press, Texas Sen. John Cornyn removed any lingering doubt: Congress will not be passing a major criminal justice reform bill while Barack Obama is president. “I am hopeful, but I don’t think it’s critical we do it this year,” Cornyn, a Republican, said of the bipartisan reform that’s been working its way through Congress for more than a year, but which has recently lost momentum. “”I have been involved in a lot of fights around here that have taken us years to get things done,” Cornyn continued. “And ultimately the question is, can you get it done at some point?” For anyone who hoped to see real legislative reforms come out of D.C. before the next president takes the oath of office, this is a disappointment — one far too bitter to be made palatable by the president’s most recent executive action, his banning the use of solitary confinement on juveniles in federal prisons. It is not, however, especially surprising. As difficult and volatile as the politics of criminal justice reform is in any circumstance, it’s exponentially more vulnerable in the toxic atmosphere that always accompanies a presidential election. So when Congress failed to pass reform in 2014, and then did so again the year after, it was easy to predict that the window had closed on criminal justice reform — at least for the time being. You don’t need to take my word for it. You can simply look at how the 2016 campaign has affected reform’s chances already. For much of the Obama presidency, changing the country’s criminal justice system wasn’t front-page material for American politics. It was a major interest on the grassroots level and on the elite level, to be sure. For the most part, though, it wasn’t a political football. It enjoyed a kind of benign neglect.

Trump will win if any GOP candidate does. CNN 1/26

<http://www.cnn.com/2016/01/26/politics/donald-trump-ted-cruz-polling/>. NS

Donald Trump has hit a new high in the race for the Republican nomination, according to a new CNN/ORC Poll, with more than 4-in-10 Republican voters nationwide now saying they back the billionaire. And more than two-thirds of Republicans say he's the candidate most likely to capture their party's presidential nomination. Trump has topped the 40% mark for the first time in CNN/ORC polling, standing at 41%. That more than doubles the support of his nearest competitor, Texas Sen. Ted Cruz, who notches 19% support in the poll. No other candidate hit double-digits. Florida Sen. Marco Rubio landed at 8%, retired neurosurgeon Ben Carson at 6%, former Florida Gov. Jeb Bush at 5%, New Jersey Gov. Chris Christie at 4%, and the rest at 3% or less.

Massive criminalization is here to stay. **Fraser 15**

Fraser 15: Ronald Fraser (PhD). Prison Reform Won’t Come Easy. Chicago Sun-Times http://chicago.suntimes.com/opinion/7/71/1167983/opinion-prison-reform-wont-come-easily December 9, 2015. DD

At first glance it looks like America’s incarceration epidemic is winding down. In California, for example, inmates are being released from overcrowded state prisons and nonviolent drug offenders are receiving the equivalent of a speeding ticket. Some police chiefs and politicians, claiming long sentences do not effectively deter crime, are calling for alternatives to jail time. And, in Washington, where we are witnessing one of the largest discharges from federal prisons in American history, the Justice Department is in the process of releasing up to 6,000 inmates serving unduly harsh sentences for drug-related offenses. But wait. Releasing a few thousand inmates to cut skyrocketing prison costs and to fix court-ordered inhumane prison conditions does not exactly represent a sea change in America’s shameful prison culture — nor does it dismantle the network of special interests that has filled our prisons and jails with more than 2 million persons. Until our fragmented, out-of-control criminal justice system adopts viable alternatives to prison for nonviolent offenders, “prison-mania” will remain a serious threat. Let’s take a closer look at the entrenched prison culture: Lawmakers call the shots. For decades, in response to popular calls for harsh penalties, elected law makers, not judges or professional criminal justice officials, have dictated who goes to prison and for how long. Election politics. Studies show that legislatures are more prone to pass stiff mandatory minimum laws in the weeks before lawmakers face an election. In addition, elected judges in competitive districts tend to favor harsher sentences. Employment politics. According to Bureau of Labor, in 2014 prisons and jails in America employed 434,000 correctional officers and jailers. And prison guard unions skillfully work the halls of state legislatures lobbying for laws that will keep their members on the job The combined justice systems employment at all levels of government — including police officers, court workers, probation and correctional staffers — topped more than 2.4 million in 2012 or about one person for every inmate. Business politics. Companies that build and supply prisons with food, furniture and other equipment items also benefit from punitive laws. Local politics. Public officials representing high -unemployment rural areas consider prisons a prime employment opportunity for their citizens. Because the economic well-being of millions of persons is at stake, ending prison-mania will not be quick or easy. While even a large part of the law enforcement community is now convinced we can’t solve crimes by warehousing people, finding effective alternatives is not easy. About a year ago California voters passed Proposition 47 to reduce crowding in state prisons and to treat small-time, nonviolent criminals with compassion, not prison. But what happens when alternative programs to treat offenders with mental illnesses, homelessness and joblessness, don’t exist? Speaking about her experiences with the aftermath of Proposition 47, San Diego police chief Shelly Zimmerman recently told the Union-Tribune, “It’s a slap on the wrist the first time and the 30th time, so we’re catching and releasing the same people over and over.” What is needed is a fundamental rethinking of the role of prisons in America, of who belongs in them and who does not. It is time to stop using prisons as a retributive response to all manner of crimes great and small without regard for the harm done to nonviolent inmates who need help, not punishment.

### A2 3D Printed Guns DA

1. 3D printed guns don’t work. Any threat they possess is media fabricated. **Elsworthy 15**

Why I Don’t Fear 3D Printed Guns (And Neither Should You); [Chris Elsworthy](http://3dprint.com/author/chris-elsworthy/); July 21, 2015; 3DPrint.com; <http://3dprint.com/82924/dont-fear-3d-printed-guns/>

However, the truth is that you can’t yet print a properly working gun on a 3D printer, and the media storm around 3D printed guns has blown the issue completely out of proportion. The [Liberator](http://www.theregister.co.uk/2013/05/10/oh_no_its_the_plastic_3d_gun/" \t "_blank), perhaps the closest that we have come to a working 3D printed gun, suffers from many flaws. Not least of these is that it is made out of plastic. There is a reason why nobody has seriously made a gun out of plastic before. It simply isn’t a good material for housing what is essentially a small explosion. 3D printed guns, including the Liberator, so far have either failed to shoot properly, or they have failed to shoot at all, with most being more of a danger to the person holding the gun than anyone in front of them. And of course, you still can’t 3D print a bullet. Household 3D printers are great for making all sorts of useful objects and designs. They are not, however, very good at making guns.

2. 3D printers are incredibly expensive. There are relatively few people who would be able to purchase them solely for the purpose of making guns.

# Frontlines – K

## Generic

### Framework – Gender

Framework – you should evaluate the round with the question “is a gun ban for abusers a good method for solving gender violence”

A. Their framework args are self-serving and arbitrary – they’ll pick the most obscure framework to moot AFF offense which is unfair makes equal evaluation impossible

B. Gender violence is bad and the 1AC is a good idea to change it – talking about our policy is key to solve real problems instead of vague generalities – discussion of IPV is specifically key in educational spaces – that’s **Wolfe 99**

Educational spaces are uniquely key – judge has an obligation to endorse political education to prevent ceding power.

Giroux 6 [(Henry, sociologist) “The abandoned generation: The urban debate league and the politics of possibility” from America on the Edge]

￼The decline of democratic values and informed citizenship can be seen in research studies done by The Justice Project in 2001 in which a substantial number of teenagers and young people were asked what they thought democracy meant. The answers testified to a growing depoliticization of American life and largely consisted of statements along the following lines: "Nothing," "I don't know," or "My rights, just like, pride, I guess, to some extent, and paying taxes," or "I just think, like, what does it really mean? I know its our, like, our government, but I don't know what it 6 technically is." The transition from being ignorant about democracy to actually sup- porting antidemocratic Tendencies can be seen in a number of youth surveys that have been taken since 2000. For instance, a survey released by the University of California, Berkeley, revealed that 69 percent of students support school prayer and 44 percent of young people aged fifteen to twenty-two support government restric- tions on abortions. A 2004 survey of 112,003 high school students on First Amendment rights showed that one third of students surveyed believed that the First Amendment went too far in the rights it guarantees and 36 percent believed that the press enjoyed too much freedom. This suggests not just a failing of education, but a crisis of citizenship and democracy. ￼One consequence of the decline in democratic values and citizenship literacy is that all levels of government are being hollowed our, their role reduced to dismantling the gains of the welfare state as they increasingly construct policies that ￼criminalize social problems and prioritize penal methods over social investments. When citizenship is reduced to consumerism, it should come as no surprise that people develop an indifference to civic engagement and participation in democratic public life. Unlike some theorists who suggest that politics as critical exchange and social engagement is either dead or in a state of terminal arrest, I believe that the current depressing state of politics points to an urgent challenge: reformulating the crisis of democracy as a fundamental crisis of vision, meaning, education, and political agency. Central to my argument is the assumption that politics is not simply about power, but also, as Cornelius Castoriadis points out, "has to do with political judgments and value choices," meaning that questions of civic education—learning how 8 to become a skilled citizen—are central to democracy itself. ￼Educators at all levels need to challenge the assumption that politics is dead, or the nature of politics will be determined exclusively by government leaders and experts m the heat of moral frenzy. Educators need to take a more critical position, arguing that knowledge, debate, and dialogue about pressing social problems offer individuals and groups some hope in shaping the conditions that bear down on their lives. Public civic engagement is essential if the concepts of social life and the public sphere are to be used to revitalize the language of civic education and democratization as part of a broader discourse of political agency and critical citizenship in a global world. Linking the social to democratic public values represents an attempt, however incom- plete, to link democracy to public action, as part of a comprehensive attempt to revitalize civic activism and citizen access to decision-making while simultaneously addressing basic problems of social justice and global democracy. ￼Educators within public schools need to find ways to engage political issues by making social problems visible and by debating them in the political sphere. They also need to be at the forefront of the defense of the most progressive historical advances and gains of the state. 1-rcnch sociologist Pierre Bourdieu is right when he calls for collective work by educators to prevent those who arc mobilized against the welfare state from destroying the most precious democratic conquests in labor legis- lation, health, social protection, and education.'' At the very least, this would suggest that educators should defend schools as democratic public spheres, struggle against the de-skilling of teachers and students that has accompanied the emphasis on teach- ing for test-taking, and argue for pedagogy grounded in democratic values rather than testing schemes that severely limit the creative, ethical, and liberatory potential of education.

### Framework – State

Framework – evaluate the round with the question “is a gun ban for abusers better for stopping sexual violence than the squo or a competitive policy”

A. Their framework args are self-serving and arbitrary – they’ll pick the most obscure framework to moot AFF offense which is unfair makes equal evaluation impossible

B. Gender violence is bad and the 1AC is a good idea to change it – talking about our policy is key to solve real problems instead of vague generalities – discussion of IPV is specifically key in educational spaces – that’s **Wolfe 99**

### State Key

Government action is key – abandoning the state prevents meaningful progress since patriarchy thrives through anti-statism. **Harrington 92**

Mona Harrington, lawyer and political scientist, 1992 (“What Exactly Is Wrong with the Liberal State as an Agent of Change?,” Gendered States: Feminist (Re)Visions of International Relations Theory, Edited By V. Spike Peterson, Published by Lynne Rienner, ISBN 1555872980, p. 65-66)

The title of this chapter is a question that needs much more careful exploration by feminists than we have given it so far. In fact, I raise the question in a somewhat belligerent tone because I am inclined to think that the liberal state is a suitable, even elegant, agent to advance a feminist agenda in both domestic and international relations. Yet most of my feminist colleagues who are probing the gendered nature of the state vastly mistrust the liberal tradition and seek to formulate a politics that will displace it. My aim here is to join some of their arguments before a consensus forms that liberalism is beyond the pale of seriously critical feminist analysis. But let me hasten to say, before irreversible misunderstanding sets in, that what I am contesting is the meaning, the content that antiliberals generally assign to liberalism. The object of most of their criticism is actually one variant of the liberal tradition, and I think it is crucially important that we recognize another, more morally spacious, set of liberal ideas and that we help to develop its deeper promise. I will review the antiliberal arguments in some detail and answer them presently. First, I want to suggest why the whole argument is important. The crux of feminist challenge to the liberal state is essentially an antistate analysis with demonstrations that liberalism, while promising to divest the state of its destructive features, does not do so. In this analysis, states are inherently oppressive and exploitative organizations of power. They are run by hierarchies in control of deadly force deployed to protect the privileges of elites, which are, for the most part, capital-controlling, white, and male. In short, feminist antiliberal, antistate analysis is similar to already established Marxist criticism of the state but with added attention to gender. States are not only instruments of class interest but also of patriarchy. They perpetuate not only class conflict and violence but also gender conflict and violence. And liberal systems that supposedly democratize power and wealth simply mask the underlying fact of elite rule. Where can this analysis lead but to a call for deconstructing the present sovereign state system? [end page 65] At this juncture in history—I am writing in the winter of 1990-91 with the Soviet Union and Eastern Europe decommunized, the Cold War over— other calls for deconstructing nation-states are also in the air. Internationalists see the first opportunity since the mid-1940s to put a functioning system of international organization in place, starting with a revived United Nations and extending, in some versions, to complex networks of denationalized, depoliticized regimes rationally and efficiently organizing the world's business. In other words, the state as a dealer in power, a wielder of weapons, an inherently violent institution, is the object of suspicion and resistance by both antiliberal feminists and liberal internationalists. And, especially now, when the international system is undergoing immense change, pressures for denationalizing change—certainly discourse arguing for it—will be persistent. In the face of such pressures, I believe that feminist critics of the present state system should beware. The very fact that the state creates, condenses, and focuses political power may make it the best friend, not the enemy, of feminists—because the availability of real political power is essential to real democratic control. Not sufficient, I know, but essential. My basic premise is that political power can significantly disrupt patriarchal and class (which is to say, economic) power. It holds the potential, at least, for disrupting the patriarchal/economic oppression of those in the lower reaches of class, sex, and race hierarchies. It is indisputable that, in the nineteenth and twentieth centuries, it has been the political power of states that has confronted the massive economic power privately constructed out of industrial processes and has imposed obligations on employers for the welfare of workers as well as providing additional social supports for the population at large. And the political tempering of economic power has been the most responsive to broad public needs in liberal democracies, where governments must respond roughly to the interests of voters. Of course, this is not the whole story. The nation-states of this period have also perpetrated horrors of torture and war, have aided the development of elite-controlled industrial wealth, and have not sufficiently responded to the human needs of their less powerful constituents. But I believe it is better to try to restrain the horrors and abuses than to give up on the limits that state organized political power can bring to bear on the forms of class-based, race-based, sex-based power that constitute the greatest sources of oppression we are likely to face.

State influence inevitable - only mobilizing focus on reforms can effectively challenge gender violence. **Connell 90**

R. W. Connell 90, “The State, Gender, and Sexual Politics: Theory and Appraisal”, Theory and Society, Vol. 19, No. 5, (Oct., 1990), pp. 507-544, <http://www.jstor.org/stable/657562>

Because of its power to regulate and its power to create, the state is a major stake in gender politics; and the exercise of that power is a constant incitement to claim the stake. Thus the state becomes the focus of interest-group formation and mobilization in sexual politics. It is worth recalling just how wide the liberal state's activity in relation to gender is. This activity includes family policy, population policy, labor force and labor market management, housing policy, regulation of sexual behavior and expression, provision of child care, mass educa- tion, taxation and income redistribution, the creation and use of mili- tary forces - and that is not the whole of it. This is not a sideline; it is a major realm of state policy. Control of the machinery that conducts these activities is a massive asset in gender politics. In many situations it will be tactically decisive. The state is therefore a focus for the mobilization of interests that is central to gender politics on the large scale. Feminism's historical con- cern with the state, and attempts to capture a share of state power, appear in this light as a necessary response to a historical reality. They are not an error brought on by an overdose of liberalism or a capitula- tion to patriarchy. As Franzway puts it, the state is unavoidable for feminism. The question is not whether feminism will deal with the state, but how: on what terms, with what tactics, toward what goals.5" The same is true of the politics of homosexuality among men. The ear- liest attempts to agitate for toleration produced a half-illegal, half-aca- demic mode of organizing that reached its peak in Weimar Germany, and was smashed by the Nazis. (The Institute of Sexual Science was vandalized and its library burnt in 1933; later, gay men were sent to concentration camps or shot.) A long period of lobbying for legal reform followed, punctuated by bouts of state repression. (Homosexual men were, for instance, targeted in the McCarthyite period in the United States.)The gay liberation movement changed the methods and expanded the goals to include social revolution, but still dealt with the state over policing, de-criminalization, and anti-discrimination. Since the early 1970s gay politics has evolved a complex mixture of confrontation, cooperation, and representation. In some cities, including San Francisco and Sydney, gay men as such have successfully run for public office. Around the AIDS crisis of the 1980s, in countries such as the United States and Australia, gay community based organizations and state health services have entered a close - if often tense - long-term relationship.' In a longer historical perspective, all these forms of politics are fairly new. Fantasies like Aristophanes's Lysistrata aside, the open mobilization of groups around demands or programs in sexual politics dates only from the mid-nineteenth century. The politics that characterized other patriarchal gender orders in history were constructed along other lines, for instance as a politics of kinship, or faction formation in agri- cultural villages. It can plausibly be argued that modern patterns re- sulted from a reconfiguration of gender politics around the growth of the liberal state. In particular its structure of legitimation through plebiscite or electoral democracy invited the response of popular mobilization

### A2 Criticism

Implementable policy strategies are uniquely key for gender violence movements – we are flooded with critique but unable to implement solutions. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

Abdication of legal reform makes concrete challenges to material barriers to gender violence impossible. Crawford 7

[ 1-1-2007 Toward a Third-Wave Feminist Legal Theory: Young Women, Pornography and the Praxis of Pleasure Bridget J. Crawford Pace University School of Law, bcrawford@law.pace.edu]

CONCLUSION In spite of third-wave feminism’s appeal, at this point in its development, third-wave feminism lacks an overall theoretical view of how the law functions. Third-wave feminism is largely a reactive critique that fails to advance its own positivistic view of how certain goals should be accomplished. Third-wave feminists respond to incomplete and distorted images of second-wave feminism. Their indictment of second-wave feminism has led to a significant tension between older and younger feminists. Gloria Steinem, for one, has said that when reading third-wave feminist writings, she feels "like a sitting dog being told to sit."384 Women on the younger cusp of second-wave feminism, who demographically are not part of the third wave, report that they feel adrift between the competing "waves."385 And even some younger women, perhaps articulating the most decidedly third-wave stance of all, state that they do not want selfidentity as part of a "third-wave" of feminism, because that identification implies a group affiliation or branding that should be rejected in favor of a third-wave embrace of individualism. So one is left with the sense that third-wave feminism is a helpful elaboration of some of the issues first raised by earlier feminists, but that it is not so decidedly different from what has come before. Third-wave feminism's emphasis on personal pleasure, the fluidity of gender roles, the internet and coalition-building contribute to the feminist conversation, but third-wave feminists have not yet altered the terms and conditions of that conversation. It remains for lawyers and legal theorists to take up the challenge from this generation of young women to develop laws that enhance women’s autonomy and well-being.

### No Root Cause

There’s no one root cause of IPV – the specific lived experiences of survivors can’t be explained or solved by large-scale social claims. **Denzin 84**

Denzin, Norman K. "Toward a phenomenology of domestic, family violence." American journal of sociology (1984): 483-513.

Within this setting all the dynamics of living together in a small, heterosexual¶ group are played out, producing a simultaneous confusion in¶ the realms of patriarchy, intimacy, service, and interaction. This domestic¶ order is the arena for the clash of social selves and the display of raw¶ emotionality that erupts into violence. The violence that is woven¶ through the structures of this family is an enduring form of relational¶ interaction that is fixed in the social settings of the home. Violent episodes¶ flow into one another, constituting a field of violence that sets itself in¶ front of the family members as a coefficient of adversity, or obstacle to¶ action, often self-imposed, and self-defined (Sartre [1943] 1956, pp. 488-¶ 89), although it derives its origins from external structures. These structures¶ of violent experience are cyclical and assume an autonomous existence¶ in the life of the family. They are seen as causing the violence that is¶ experienced. As the family moves through the phases of tension toward¶ violence and violent outbursts and then into calm, intimate interaction,¶ personal responsibility for the violence is neutralized in the face of these experiential structures (Walker 1979, p. 55). Bad faith (Sartre [1943]¶ 1956, pp. 55-66), which accompanies the act of denial when violence first¶ appears or when it erupts again, secures violence as a potentially permanent¶ feature of daily family life.¶ I will examine this thesis from the standpoint of a critical, interpretive¶ phenomenology which stresses the place of emotionality, the self, and¶ interaction processes in the generation of interpersonal, domestic violence.¶ Briefly stated, my critical phenomenology assumes that the phenomenon¶ of violence must be examined from within; that although structural processes (economic, legal, religious, cultural, ideological) influence and shape family violence, their meanings are filtered and woven through the lives of interacting individuals, each of whom is understood to be a¶ universal singular, embodying in his or her lifetime the forces, contradictions,¶ and ideologies of a particular historical moment (Sartre [1971] 1981,¶ p. ix; Merleau-Ponty 1955; Engels [1884] 1962; Denzin 1984a; Marx¶ [1852] 1983, p. 287). The violence that each family of violence makes and¶ experiences has been made and experienced before. It is not purely spontaneous,¶ made under conditions freely chosen. Rather, it is produced and¶ experienced in situations which have been "given and handed down to¶ them . . . from . . . countless dead generations," also the victims of a¶ violent past that was inherited (Marx [1852] 1983, p. 287). The raw,¶ skeletal, obdurate features of social structures and lived history thus set¶ the stage for domestic violence, which must then be studied through¶ thick, phenomenological descriptions of lived violence (Geertz 1973; Denzin¶ 1984a; Loseke 1983; Loseke and Cahill 1984).

There’s no root cause of violence. **Muro-Ruiz 2**

(Diego, London School of Economics, “The Logic of Violence”, Politics, 22(2), p. 116)

Violence is, most of the time, a wilful choice, especially if it is made by an organisation. Individuals present the scholar with a more difficult case to argue for. Scholars of violence have now a wide variety of perspectives they can use – from sociology and political science, to psychology, psychiatry and even biology – and should escape easy judgements. However, the fundamental difficulty for all of us is the absence of a synthetic, general theory able of integrating less complete theories of violent behaviour. In the absence of such a general theory, researchers should bear in mind that violence is a complex and multifaceted phenomenon that resists mono-causal explanations. Future research on

Identifying a root cause of IPV whitewashes culpability from abusers and reaffirms everyday acts of violence. **Kappeler 95**

Susanne Kappeler, Associate Prof @ Al-Akhawayn University, The Will to Violence: The Politics of Personal Behavior, 1995, pg. 6-7

This means engaging also with the discourses which construct violence as a phenomenon but obliterate the agent’s decision to violate. Our unwillingness to recognize the will of those who act violently as their will to act violently, our readiness to exonerate violent behaviour by means of spurious explanations, not only betrays our primary identification with the subjects of violence and our lack of solidarity with [survivors] the victims. It is itself an act of violence: the exercise of ideological violence, of the power of a discourse which legitimates violence, stigmatizes the victims, and treats people not as the agents of their own actions but as material for (‘our’) social policy. Ideology, however, is not just made by others; we are all of us subjects of ideology — as the producers of our own thinking and as the recipients of other people’s discourse — unless we resist such ideological struc­tures of thought and discourse in a continual critique of ideology itself. A decision to violate is not necessarily synonymous with a decision to be ‘bad’ or to commit an injustice. Rather, we have at our disposal structures of thought and argumentation which make such a decision appear rational, justified or even necessary. These structures of thought are deeply rooted in our everyday thinking: they are part of the dominant ideology. We use them in our daily decisions for action — actions which are not necessarily acts of bodily injury and murder, of arson and larceny, and which do not necessarily unleash a major war, but which none the less are acts of violence: violation of the rights and integrity of other people, violation of their dignity and personhood, suppression of their freedom of choice and their self-determination, acts of objectification and of exploitation at every conceivable level — in other words, war, on a small scale and against our nearest if not our dearest. What is remarkable is that this everyday behavior, in so far as it does not fall within the competence of criminal law, is hardly the subject of a serious theoretical discussion. Neither does it attract explicit legitimation; rather, the violence of everyday behavior draws its legitimacy from the ubiquity of such behavior in our society and the social consensus about it as relative ‘harmlessness’ compared with other, that is, recognized forms of violence. That is to say, everyday behavior takes its orientation from the tradition of social practice, reproducing itself through recourse to the status quo. It is so naturalized, in fact, that it is not violent action which attracts attention, but any resistance to it: leaving a violent relationship or situations of violence, resisting bullying, pressure and blackmail, refusing to fight back.

### IPV Fractures Coalition

IPV prevents larger social movements – control over a person’s identity fractures the potential for collective resistance. O’Doherty 15

O’Doherty, Lorna Jane, et al. "Fractured Identity in the Context of Intimate Partner Violence Barriers to and Opportunities for Seeking Help in Health Settings." Violence against women (2015). TF

IPV produces fear and self-doubt; it threatens a person’s life goals, safety, and even¶ survival; and it is associated with lost agency and ability to control the world (Liang¶ et al., 2005; World Bank, 2012). Evaluative dimensions of self-concept, that is, notions¶ of self-worth and self-esteem (Fleming & Courtney, 1984) underlie self-efficacy and¶ have been shown to relate to abused women’s capacity to escape violence (Cluss et al.,¶ 2006). Although studies have reported on ways in which IPV “spoils” women’s identities¶ and is damaging to self-concept (Hague, Mullender, & Aris, 2003; Moss, Pitula, Campbell, & Halstead, 1996), the effects of IPV on the different dimensions of identity¶ outlined above have not been explored in any systematic way. Furthermore, it¶ appears from the literature that social identity theory (Tajfel, 1981) has not been¶ applied in exploring the impacts of IPV on women’s lives.¶ Applying Brewer’s (2001) framework to the IPV literature suggests ways in which¶ social identities are invoked where IPV is present. Undermining aspects of the personbased¶ social identity is a hallmark of emotional abuse whereby deeply integrated and¶ personal aspects of the victim’s concept of self are targeted (Stark, 2007; Williamson,¶ 2010). Individuals also self-define (and evaluate themselves) in the context of their¶ relationships with significant others and based on their performance of role relationships¶ (Breckler & Greenwald, 1986). Thus, it is unsurprising, given the evaluative¶ context of the intimate relationship, that abused women often report a sense of failure¶ (Waldrop & Resick, 2004). Unreasonable expectations set by the perpetrator make it¶ virtually impossible to “succeed” in the partner role (Williamson, 2010). The violence¶ may also target directly other relational social identities. Herman describes how the¶ most destructive tactics violate women’s basic human attachments (Herman, 1992). At¶ the group level of self-representation, evaluation of the collective self-concept involves¶ intergroup comparison. Here, one strives to associate with groups that are valued and¶ confer benefits for self-esteem (Smith & Tyler, 1997). In the context of an abusive¶ relationship, social participation may be restricted, leading to lost opportunities to¶ derive the benefits of group connections (Liang et al., 2005). Regarding the collective¶ identity, IPV may lead to lost identification with a collective (e.g., religion through¶ spiritual abuse) or identification with an emergent collective of “abused women”¶ (Crawford et al., 2009). Thus, balancing the risks and benefits of disclosing and getting¶ help is an ongoing process for women, with implications for social identities even¶ after they have escaped the violence. Analysis at these different levels of identity may¶ offer further understanding of the barriers facing women in finding pathways to safety.

### Reps Focus Bad

Exclusive focus on representations erodes meaningful reversal of structures of exploitation---discursive focus can’t replace concrete change . **Giroux 6**

Henry Giroux 06, prof of edu and cultural studies at Penn State, 6 (Comparative Studies of South Asia)

Abstracted from the ideal of public commitment, the **new authoritarianism represents a** political and economic practice and **form of militarism that loosen[s] the connections among** substantive **democracy**, critical agency, **and critical education. In opposition** to the rising tide of authoritarianism, **educators** across the globe **must make a case for linking learning to progressive social change** while struggling to pluralize and critically engage the diverse sites where public pedagogy takes place. In part, this suggests forming alliances that can make sure every sphere of social life is recognized as an important site of the political, social, and cultural struggle that is so crucial to any attempt to forge the knowledge, identifications, effective investments, and social relations that constitute political subjects and social agents capable of energizing and spreading the basis for a substantive global democracy. **Such circumstances require** that **pedagogy be embraced as a moral and political practice**, one that is directive and not dogmatic, an outgrowth of struggles designed **to resist the increasing depoliticization of political culture that is the hallmark of** the current **Bush** revolution**. Education is the terrain where consciousness is shaped**, needs are constructed, **and the capacity for** individual self-reflection and **broad social change is nurtured** and produced. Education has assumed an unparalleled significance in shaping the language, values, and ideologies that legitimize the structures and organizations that support the imperatives of global capitalism. Efforts to reduce it to a technique or methodology set aside, education remains a crucial site for the production and struggle over those pedagogical and political conditions that provide the possibilities for people to develop forms of agency that enable them individually and collectively to intervene in the processes through which the material relations of power shape the meaning and practices of their everyday lives. Within the current historical context, struggles over power take on a symbolic and discursive as well as a material and institutional form. The struggle over education is about more than the struggle over meaning and identity; it is also about how meaning, knowledge, and values are produced, authorized, and made operational within economic and structural relations of power. Education is not at odds with politics; it is an important and crucial element in any definition of the political and offers not only the theoretical tools for a systematic critique of authoritarianism but also a language of possibility for creating actual movements for democratic social change and a new biopolitics that affirms life rather than death, shared responsibility rather than shared fears, and engaged citizenship rather than the stripped-down values of consumerism. **At stake here is combining symbolic forms** and processes **conducive to democratization with** broader social contexts and the **institutional formations of power itself. The key point** here **is to** understand and **engage educational** and pedagogical **practices from the point of** view of **how they are bound up with larger relations of power. Educators**, students, and parents **need to be clearer about how power works through** and in texts, **representations**, and discourses, **while at the same time recognizing** that **power cannot be limited to the study of** representations and **discourses, even at the level of public policy. Changing consciousness is not the same as altering the** institutional basis of oppression; at the same time, institutional **reform cannot take place without a change in consciousness capable of recognizing not only injustice but also the very possibility for reform, the capacity to reinvent the** conditions [End Page 176] and **practices that make a more just future possible.** In addition, it is crucial to raise questions about the relationship between pedagogy and civic culture, on the one hand, and what it takes for individuals and social groups to believe that they have any responsibility whatsoever even to address the realities of class, race, gender, and other specific forms of domination, on the other hand. For too long, the progressives have ignored that the strategic dimension of politics is inextricably connected to questions of critical education and pedagogy, to what it means to acknowledge that education is always tangled up with power, ideologies, values, and the acquisition of both particular forms of agency and specific visions of the future. The primacy of critical pedagogy to politics, social change, and the radical imagination in such dark times is dramatically captured by the internationally renowned sociologist Zygmunt Bauman. He writes, Adverse odds may be overwhelming, and yet a democratic (or, as Cornelius Castoriadis would say, an autonomous) society knows of no substitute for education and self-education as a means to influence the turn of events that can be squared with its own nature, while that nature cannot be preserved for long without "critical pedagogy"—an education sharpening its critical edge, "making society feel guilty" and "stirring things up" through stirring human consciences. The fates of freedom, of democracy that makes it possible while being made possible by it, and of education that breeds dissatisfaction with the level of both freedom and democracy achieved thus far, are inextricably connected and not to be detached from one another. One may view that intimate connection as another specimen of a vicious circle—but **it is within that circle that human hopes and the chances of humanity are inscribed, and can be nowhere else**.59

Their method lets critique over-determine action which makes their criticism unverifiable and self-defeating. **Owen 02**

David, Reader in Political Theory at the University of Southampton, Reorienting International Relations: On Pragmatism, Pluralism and Practical Reasoning”, Millennium: Journal of International Studies, Vol. 31, No. 3, <http://mil.sagepub.com/cgi/reprint/31/3/653>

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for **words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars**. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, **such a philosophical turn is not without its dangers and** I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that **it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power as if the latter two were merely a simple function of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments** (otherwise criticism of these features would not be a criticism that had any value), **it is by no means clear that it is, in contrast, wholly dependent on these philosophical commitments. Thus, for example, one need not be sympathetic to rational choice theory to recognise that it can provide powerful accounts of certain kinds of problems**, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. **It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of** **problems** (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) **and, if this is the case, it is a philosophical weakness—but this does not undermine the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the** only or even necessarily the **most important kind. The** second danger run by the philosophical turn is that **because prioritisation of ontology and epistemology promotes theory-construction from philosophical first principles, it cultivates a theory-driven rather than problem-driven approach to IR.** Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that **there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, ‘theory-driven work is part of a reductionist program’ in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’**.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the class es of phenomena studied in similar terms. However, as Shapiro points out, **this is to misunderstand the enterprise of science since ‘whether there are general explanations for classes of phenomena is a question for social-scientific inquiry, not to be prejudged before conducting that inquiry’.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR**—what might be called (only slightly tongue in cheek) ‘the Highlander view’—**namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates the idea that there can only be one theoretical approach which gets things right**, namely, the theoretical approach that gets its ontology and epistemology right. **This image feeds back into IR exacerbating the first and second dangers, and so a potentially vicious circle arises.** It should be noted that I am not claiming that such a vicious circle has been established in IR by virtue of the philosophical turn, nor am I claiming that IR is alone in its current exposure to this threat; on the contrary, Shapiro’s remarks are directed at (primarily North American) political science. I am simply concerned to point out that **the philosophical turn in IR increases its exposure to these dangers and, hence, its vulnerability to the kind of vicious circle that they can, collectively, generate.**

## A2 K Tricks

### A2 Role-Playing Bad

Omitted

### A2 Palliative

Omitted

### A2 Value to Life

Omitted

## A2 Race Ks

### Crenshaw – Can’t Wait

We challenge negative racial stereotypes and understand IPV as systemic, cutting across race. **Crenshaw 93**

- we’re not race focus which solves the links – black communtiies won’t be targeted since we represent it as a problem equally for all communities

Kimberlee Williams Crenshaw. [Prof. of Law at UCLA.] “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.” Stanford Law Review. Vol. 43: 1241.

Not only do **race-based priorities** function to **obscure the problem of violence suffered by women of color**; certain **rhetorical strategies directed at politicizing violence against women may** also **reproduce the political marginalization of women of color**. Strategies for increasing awareness of domestic violence tend to begin by citing the commonly shared assumption that battering is a problem located in the family of the “other”-namely, poor and/or Minority families. The strategy then focuses on demolishing the straw man, stressing that spousal abuse also occurs in white elite communities. Some authorities are explicit in renouncing the 11 stereotypical myths about battered women (Women and Violence Hearings, 1991, pt. 2, p. 139). A few commentators have even transformed the message that **battering is not *exclusively* a problem of the poor or minority communities** into a claim that **it *equally* affects all races and classes** (Borgmann 1990). That battering occurs in families of all races and all classes seems to be an ever-present theme of anti-abuse campaigns. (Women and Violence Hearings, 1991 pt. 1, p. 101; pt 2, pp. 89, 139). First-person anecdotes and studies, for example, consistently assert that battering cuts across racial, ethnic, economic, education, and religious lines. (Walker 1989; pp. 10 1-2; Straus, Gelles and Steinmetz 1980, p. 31; Clark 1987, p. 182 n 74). Countless first-person stories begin with a statement like, “I was not supposed to be a battered wife.” The inference, of course, is that there *is*  a more likely vision of a battered spouse, one whose race or class background contrasts with the identity of the speaker to produce the irony. **Playing on the contrast between myths about and realities of violence functions effectively to challenge beliefs about the occurrence of domestic violence in American society.**

Yet this tactic is tricky business, one that may simultaneously reify and erase “othered” women as victims of domestic abuse. It is clear, on the one hand, that **attacking the stereotypes underlying dominant conceptions of domestic violence is both a feminist and antiracist strategy.** By pointing out that violence is a universal problem, elites are deprived of their false security, while non-elite families are given reason not to be unduly defensive. Moreover, all battered women may well benefit from knowing that they are far from alone. But there is, nonetheless, a thin line between debunking the stereotypical beliefs that only poor or minority women are battered, and pushing them aside to focus on victims for whom mainstream politicians and media are more likely to express concern. While it is unlikely that advocates intend to play into these sensibilities-the rhetoric about and representations of battered women produced by power elites provide some grounds for concern.

Racism as a first priority prevents material progress for IPV survivors. **Crenshaw 93:**

- Proximate cause of gender violence before ending all racism – everything will be enforced in a racist way but that doenst mean women of color should keep being abused

Kimberlee Williams Crenshaw. [Prof. of Law at UCLA.] “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.” *Stanford Law Review.* Vol. 43: 1241.

**There is** also **a** general **tendency** within antiracist discourse to regard the problem of **violence against women** of color **as** just another manifestation of racism. In this sense, gender domination within the community is reconfigured as a consequence of racial discrimination against men. Of course, it is probably true that **racism contributes to the cycle of violence**, given the stress that men of color experience in dominant society. It is therefore more than reasonable to explore the links between racism and domestic violence. **But the chain** of violence **is more complex** and extends beyond this single link. Moreover, arguments that characterize domestic violence in communities of color as the acting out of frustrations over denial of male power in other spheres tend to be tied to claims that eradicating the power differentials between men of color and white men will solve the problem. Yet, as a solution to violence, **this approach seems counterproductive**, first, **because men of power and prestige also abuse women**, but most importantly, because **it buys into dominant images of male power that are socially damaging**. **A more productive approach**—one more likely to benefit women and children as well as other men—**is to resist the seductive images of male power** that rely on the ultimate threat of violence as a legitimate measure of male agency. **The legitimacy of such power expectations can be challenged by exposing** their dysfunctional and debilitating **effects on families and communities of color**. Moreover, **while understanding links between racism and domestic violence is** an **important** component of any effective intervention strategy, it is also clear that **women of color need not await the ultimate triumph over racism before they can expect to live in violence-free lives.**

### Cooper – Guns Key

Black women face disproportionate rates of IPV from handguns – a handgun ban is a necessary immediate step before larger reforms can occur – refusal to act means complacency in the death of marginalized survivors. **Brittney Cooper 15**

Brittney Cooper [a contributing writer at Salon, and teaches Women's and Gender Studies and Africana Studies at Rutgers.] “The gun crisis we aren’t talking about: Black women are under attack — and America doesn’t care” Salon. October 21, 2015. CC

The Black Lives Matter Movement has popularized a statistic released a few years ago in a report by the Malcolm X Grassroots Movement. The report found that a Black person is killed every 28 hours by a law enforcement officer or vigilante. A new study released by the Violence Policy Center provides another alarming statistic: Once every 21 hours, a Black woman is a victim of fatal intra-racial violence by a male perpetrator. According to that study, which tracks the number of women killed by men each year, more than 1,600 women were murdered by men in single victim/single offender incidents in 2013. (Because the study only accounts for wives, ex-wives or current girlfriends, taking ex-girlfriends into account would surely make that number even higher.) Ninety-four percent of these women were killed by men they knew and 62 percent were wives or intimate acquaintances of their killers. Black Americans make up 14 percent of the population, and yet, of those 1,600 murders, 453 — or 28 percent — were black women. Of those 453 murders, 416 were intra-racial. Thus: Once every 19 hours a Black woman is killed by a man. Once every 21 hours a Black woman is killed by a Black man. 92 percent of the time she knows her murderer. 56 percent of the time, she is wife, ex-wife or girlfriend of her killer. The study does not account for ex-partners or ex-girlfriends, a fact which would surely make that percentage skew higher. In these incidents, the most common weapon used was a gun. \* \* \* Far too often when we speak about our national epidemic of gun violence, our outrage is tethered to sensational cases, like the killing of the Charleston 9 or the recent slaughter of students at an Oregon community college. After these incidents occur, we commence our usual handwringing about the culture of gun violence. Existing discourses about violent crime continue to make Black women intersectionally invisible. Within Black political discourses, the focus on intracommunal and intraracial crime usually centers on violent neighborhood-based crime, perpetrated by young men. Within our broader national conversation about gun control, female victims of lethal intimate partner violence are rarely the driving force for the conversation. And within our broader national narrative about Black lives, we focus primarily on the high number of killings of Black male victims by police. Talking about domestic violence in Black communities when appalling stories like the police killing of Corey Johnson emerge seems like a hard call to make. The statistics from the Violence Policy Center do not take into account the epidemic of murders of trans women of color that LGBTQ activists have brought to our attention in the last several years. On October 15, a young man of color fatally shot Zella Ziona, a trans Black woman, after their friendship became public knowledge. We have had over 20 such murders of trans people this year, most of them women of color. Sometimes these women are victims of targeted hate crimes by cisgender men who seek to police and punish trans women for daring to occupy public space. Sometimes these men have had intimate or sexual interactions with transwomen, after which they choose to enact brutal and transphobic forms of violence. Intimate partner violence is always about power and control, and Black feminist theorists have long named the particular vulnerabilities that (cisgender) Black women in heterosexual partnerships face when their husbands or significant others are structurally foreclosed access to the privileges of patriarchy. Black men don’t just take out their frustrations about white supremacy and white male privilege on other Black men; they come home and take it out on the bodies of women they claim to love. To be clear, most crime is intra-racial, despite conservative public narratives about Black-On-Black crime. So in naming the problem of fatal domestic violence that we have in Black communities, I am not attempting to pathologize Black people. People commit crime where they live, against those in closest proximity to them. But uninterrogated masculinity is a violent enterprise, period. It does not matter the race (or the sex) of the body opting to perform masculinity. If the person does not question what masculinity means, then misogyny, violence, domination and control are par for the course. Even our national political discourse on guns frequently pits one group of men arguing with another group men over their right to have access to guns. But women will not be safe until we create a comprehensive national framework for thinking about domestic violence as structural and state-sanctioned violence. Gabby Giffords’ new Women’s Coalition for Common Sense (on which I serve) is doing work to make the connection between guns and domestic violence, and it is work I applaud. If the state refuses to regulate guns, it continues to support and facilitate a culture where all its citizens are vulnerable to victimization, women and children being chief among them. At the same time, Black political discourses about the value of Black life have severe blind spots when they fail to consider domestic violence as a form of structural and state-sanctioned violence, in which cisgender Black men collude with the state against the well-being of Black women and girls, cis and trans. We are long overdue for creating a comprehensive framework for talking about violence toward Black women, trans\* and cis, that takes into account these forms of structural vulnerability. That conversation will necessarily demand that we interrogate the violent, limited, and narrow forms of masculinity which Black men are asked to perform in churches, in politics, and in cultural production. But while Black communities engage in that work, we need comprehensive gun control legislation. Too many Black (women’s) lives are circumscribed by the barrel of a too-easily accessible handgun. Like the vast majority of Black people I know, I am intimately aware of the way that both women and men in Black communities lose when we fail to demand a shift in the culture of patriarchal violence. I lost my father to gun violence, after he was trying to protect a woman he was dating from a man she knew who had a gun and a temper. Another of my close female relatives survived horrific gun violence at the hands of an intimate partner. And one of my siblings is now co-parenting her partner’s son, because his mother was stalked and murdered by her male intimate partner last year. The brutalization of Black women is quotidian. The murders of cis and trans\* women are usually not committed by the police or by vigilantes. Because of this, these deaths don’t galvanize national movements. Black women are taught to protect the embattled social image of Black men at all costs, even at the cost of our own lives, so we frequently refuse to tell the truth about the levels of brutality we experience. But any time I’m sitting in a room with more than three Black women, if I sit long enough, all three can tell a story of some form of horrific physical or sexual violence that she or another woman whom she cares deeply about has experienced. The truth of it is this: Once a day and something like twice on Sundays, a Black man takes a Black woman to meet her maker. Now we are not solely responsible for this monstrous terrain of Black intimacies. Black folks rarely get to love other Black folks on their own terms. We know Black men are not monsters. We don’t need or require Black women to be angels. But our shared intimate terrain has become a killing field, and this is simply no way to live. Together, in community, we must figure our way out of no way.

### A2 Black Self Defense K

No link – we don’t take guns away from blacks who would need them for self defense and we don’t say guns are inherently patriarchal – guns are only bad when they’re used by convicted abusers to commit IPV which non of their links disagree with.

Perm use black self-defense with every other gun – there’s no reason handguns are key to self defense – the black panthers organized communities with long guns and assault rifles so any risk handguns are used for IPV means the perm solves.

This will only cause more Black people to die and this rhetoric is exactly the argument used to gut governmental protections of minorities. **Everitt 10**

Ladd Everitt 10 [(Ladd Everitt, ) Debunking the 'gun control is racist' smear Waging Nonviolence 9-16-2010, brackets in original evidence]

Did lack of access to firearms play a unique role in preventing blacks from vindicating their rights prior to the civil rights movement? That seems to be the obvious inference of statements like, “The former Confederate states’ successful efforts to restrict gun ownership had disastrous long-term consequences for black Americans’ life, liberty and pursuit of happiness.” The problem is that history is replete with examples of African-American communities being severely punished and repressed after they did take up arms against white terrorists. Take, for example, the admission by David Rittgers: Confronted with the prospect of armed freedmen who could stand up for their rights, states across the South instituted gun-control regimes that took away the ability of blacks to defend themselves against the depravity of the Klan. Then there are Eli Cooper and Nat Turner, two African-Americans cited by Justice Thomas in his opinion in McDonald. Thomas cites the remark that Cooper is alleged to have made in Georgia in 1919: “[The] Negro has been run over for 50 years, but it must stop now, and pistols and shotguns are the only weapons to stop a mob.” What he doesn’t tell us is that this statement was apparently the provocation that caused 20 white men to attack Cooper in his home with axes and knives. Nor does Thomas explain how a firearm would have preserved Cooper’s life in such a situation. Finally, the same newspaper article cited by Thomas that mentions Cooper also tells the story of Berry Washington, a black man who was lynched in the same town as Cooper mere months earlier. Washington took up arms against a White terrorist, shooting and killing a man who was about to rape his 16-year-old daughter. After surrendering to the local sheriff, Washington was pulled out of jail by a mob and lynched. Thomas also refers to Nat Turner, a Virginian slave and preacher who staged a rebellion to seek God’s judgment against the institution of slavery. The revolt began on the night of August 13, 1831, when Turner and six of his followers went from house to house killing slave owners and their families with a hatchet and a broad axe. At each house, the rebels freed any slaves they encountered and stocked up on more weapons. Eventually, his force numbered 60 men—all armed with guns, axes, swords and clubs. The revolt lasted nearly 10 days and 57 whites were killed before the group was pushed back by militia and federal forces. Although Turner escaped, he was caught two months later, immediately convicted, and hanged. In Virginia, the retribution was brutal: A reign of terror followed in Virginia. Labor was paralyzed, plantations abandoned, women and children were driven from home and crowded into nooks and corners. The sufferings of many of these refugees who spent night after night in the woods were intense. Retaliation began. In a little more than one day 120 Negroes were killed … One individual boasted that he himself had killed between ten and fifteen Negroes … Negroes were tortured to death, burned, maimed and subjected to nameless atrocities. Thomas himself tells us the broader consequences of Turner’s exercise of “Second Amendment rights”: “The fear generated by these and other rebellions led southern legislatures to take particularly vicious aim at the rights of free blacks and slaves to speak or to keep and bear arms for their defense.” The Colfax Massacre is another tragedy frequently cited by the majority in McDonald. Colfax actually began as a civil rights success story. During the Reconstruction period, African-Americans in the small Louisiana town elected officeholders, held important public positions, and even organized a state militia company led by a black man, William Ward. Eventually, however, their unit was demobilized after moving too aggressively to arrest white terrorists. A withdrawal of federal government support set the stage for the massacre on April 13, 1873, when between 62-81 African Americans—more than half of them armed with firearms—were slaughtered by a larger, better-equipped force of whites. As my boss, CSGV Executive Director Josh Horwitz, and Casey Anderson put it, according to gun rights activists: …the collapse of Reconstruction—and every tragic consequence that followed—could have been avoided if the newly freed slaves had had access to firearms. This explanation of events is a fantasy. It is easy…to identify incidents where the victim of racist violence might have defended themselves more effectively if they had been armed with guns. The idea that white racists could have been kept in check by ensuring widespread access to firearms among black southerners, however, is absurd. In fact, the American experience during and after Reconstruction illustrates that the…premise…that private ownership of guns safeguards individual rights against tyranny of the majority is exactly backward in explaining the relationship between private force and state power in protecting individual rights … Not only is the claim that gun rights could have stopped the Jim Crow system a falsehood, but it covers up the even more important insight that [this argument] is a continuation of a concerted effort, born and nurtured in the antebellum South, to limit the federal government’s effectiveness in protecting the democratic rights of the most vulnerable Americans. I can’t help but think of Lifetime National Rifle Association (NRA) Member Rand Paul advocating for the repeal of a section of the 1964 Civil Rights Act and stating that gun carriers should be a protected class like minorities. Nor could “Reclaim the Dream” rally organizer Rev. Al Sharpton when he recently referred to Paul while noting that King’s life work was conducted “for the precise purpose of pushing for increased federal action and involvement to nullify all discriminatory state and local practices.”

Violence from guns is an everyday war on blacks – whites don’t support gun control because they’re not the ones affected. **DeBrabander 15**

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015, CC

But this is far from the real thing. Gruesome Hollywood depictions spark deep, irrational fear of crime, but they do not communicate or reflect its real face, which is readily seen— if we care to look— in our inner cities and countless poor communities across America. While Americans eagerly devour spectacular bloodshed as entertainment— and use that to justify their need for a gun, indeed, many guns— hundreds of people meet an unglorious, unremarked death on the streets of cities like Baltimore every year. The television viewing public does not come to know the mean conditions of their demise, the quick, blunt ends of desperate lives. The fates of Baltimore’s murdered poor are hardly celebrated or studied by the media, and are instead belittled or swept under the rug by police and politicians. Suburbanites commute to work every day amidst the violence that afflicts Baltimore’s most desperate neighborhoods on either side of the highway; they flock to football and baseball games downtown, oblivious to the misery that rules the city’s roughest streets and how they are so surely insulated from it. For poor blacks— who are disproportionately affected by violent crime— the America they know can be a veritable war zone. According to a Bureau of Justice Statistics report, between the years 1976 and 2005, the homicide rate for white Americans was 4.8 per 100,000, but an astounding 36.9 for blacks. 80 The United States Conference of Mayors, one of the loudest voices calling for gun control, noted in 2012 that “homicide is the leading cause of death for African American males between the ages of 15 and 24.” African Americans comprise just 15 percent of the nation’s child population, but “made up 45 percent of child gun deaths in 2008 and 2009,” the Children’s Defense Fund reports. 82 Many of our nation’s mayors, as well as many African Americans, complained following the Sandy Hook shootings, when the American public seemed newly aware of gun violence, that the constant flood of gun deaths in our inner cities is neglected and ignored. The Washington Post ran an article on residents of the most dangerous neighborhood in the District, noting their frustration that the killings “in mostly white, middle class Newtown, Connecticut” spurred political concern. “Twenty-six people died in Sandy Hook Elementary. In the District’s Sixth Police District, an area of fewer than 10 square miles … 19 lives were lost to gun violence last year and 55 people were wounded in shootings. The year before that, 22 people were killed and 35 were wounded. Eighty-eight lives were lost in the city last year.” 83 A quarter of Washington’s murders took place in one small part of the city, a neighborhood subjected to a merciless onslaught of violence. It is no surprise that inner-city residents tend to find the notion of “gun rights” a bit offensive. Of the homicide epidemic that afflicts the African American community at large, the Centers for Disease Control points out, “more than 90 percent of the violence is from other blacks, mostly from guns.” 84 As one Washington resident put it, “[ guns] are for wars, and we have a war in the inner city.” 85 It is hardly conceivable that the rest of America would tolerate all the talk equating gun rights and freedom if middle-class whites were killing one another at similar rates.

Refusal of gun control for black empowerment is “benevolent racism” that causes more violence against blacks and promotes individualism that worsens institutiontal racism – this is a round winner. **Esposito 14**

Esposito, Luigi, and Victor Romano. "Benevolent Racism: Upholding Racial Inequality in the Name of Black Empowerment." Western Journal of Black Studies 38.2 (2014): 69. CC

In light of the several, widely reported mass shootings that have taken place in recent years, the long standing debate about gun control in the United States has once again intensified. The role that race plays in this debate has also received quite a bit of attention (Carlson, 2012; O'Brien, Forrest, Lynott, «fe Daly, 2013). While a recent study finds a significant correlation between gun ownership, Whites' opposition to gun control, and symbolic racism (O'Brien, Forrest, Lynott and Daly, 2013), various opponents of gun control claim that racism has historically been (and continues to be) linked to Whites' support for tighter gun controls. Specifically, the history of gun control in the United States is rooted in a racist agenda to control impoverished racial minorities. According to Stefan Tahmassebi (1991, p. 1), for example, "the first gun control laws [which were part of the notorious so-called "Black Codes"] were enacted in the ante-Bellum South forbidding Blacks, whether free or slave, to possess arms, in order to maintain Blacks in their servile status." An ostensible rejection of this racist legacy was at the heart of the landmark 2010 gun rights case, McDonald vs. The City of Chicago, in which the US Supreme Court ruled (in a 5 to 4 decision) that the Second Amendment guarantee of people's right to keep and bear arms is applicable against local and state gun controls via the Due Process Clause of the Fourteenth Amendment (Summary of the Recent McDonald v. Chicago Gun Case, 2010). Those who voted in favor of this ruling (notably Justice Clarence Thomas) emphasized the right to self-defense as fundamental to the principle of liberty, and, as an effort to justify protecting Second Amendment rights against state or local gun regulations, made ample references to the United States' racist history and how gun controls were once used in Southern states as a way to disarm and control newly freed slaves. In effect, to rationalize their decision, supporting members of the Court emphasized a history of gun controls as part of a racist agenda that is antithetical to freedom and democracy. Similarly, in a 2013 interview, the current president of the National Rifle Association, David Keene, stated that "when you go back in our history ... the initial wave of [gun-control laws] was instituted after the Civil War to deny blacks the ability to defend themselves" (McKay, 2013, para. 4). Keene went on to say that this is the reason why, for example, Condoleeza Rice supports the Second Amendment. Specifically, Rice supports the Second Amendment because "she remembers her house being surrounded by neighbors with firearms to protect them from a white mob back during the worst days of the civil rights struggle" (McKay, 2013, para. 4). Rice's sentiments reflect a much larger pattern among those who oppose gun controls, as a significant segment of this community regards these measures as part of an elitist and racially discriminatory agenda that deprives poor Blacks (who are more likely to be victims of crime and do not enjoy the safety found in more affluent communities) of their only viable means of protection. Tahmassebi (1991, p. 1) writes: Blacks, and especially poor blacks, are disproportionately victims of crime. Yet, these citizens are often not afforded the same police protection that other more affluent and less crime ridden neighborhoods or communities enjoy. This lack of protection is especially so in the inner city urban ghettos. Firearms prohibitions discriminate against those poor and minority citizens who must rely on such arms to protect themselves from criminal activity to a much greater degree than affluent citizens living in safer and better protected communities. Consistent with all this, David Keene has recently pointed to the high homicide rates in Chicago's urban Black community as an example of how this pattern is part of a racist legacy associated with gun control. He stated "the relatively poor black residents of Chicago are unarmed, they are the victims, they are the pool of people who suffer at the hands of criminals who get firearms" (NRA President: Gun Control Movement founded by Racists, 2013, audio). Perhaps one of the most striking recent calls against "racist" gun controls was disseminated in the form of a 2013 video advertising a pro-gun campaign titled Never Again (The Never Again Campaign 2013). The 30 second video, produced by the Center for Urban Renewal and Education (CURE), was made in response to President Obama's call for tighter gun controls- including universal background checks-and depicts a Black man dragged from his bed by White men in hoods and ultimately lynched. In-between these graphic images, viewers are given the message that "a call for background checks invokes painful memories of Jim Crow and Black Codes." Viewers are also reminded/ informed about a Mississippi Black Code in 1865, which mandated that "no ffeedman, Negro, or mulatto, shall carry or keep firearms or ammunition." On their website, CURE describes Never Again as a campaign to: ... illustrate the very real link between gun control and the Historical Black experience. Literally from Jim Crow until present day, black urban communities have been under siege and they cannot protect themselves, and the inability and/ or reluctance of law enforcement to protect them. During the Black Codes the right to bear arms was taken away and perpetuated during Jim Crow. Today 16 percent of Black Americans are armed, and in communities like Chicago where there is the most stringent of gun regulations, murder rates from gun violence are the highest in the nation. The link is indisputable. The full measure of the 2nd amendment must be upheld. It is in the best interest of all Americans, and especially African Americans (Never Again Project, 2013, para. 2). At a 2013 press conference organized by the Center for Urban Renewal and Education, prominent African American supporters of the Never Again Campaign voiced their opinions against tighter gun controls and all agreed that these measures have racist roots. As an example, Harry C. Alford, CEO of the Black Chamber of Commerce, thanked the NRA for its anti-racist legacy, claiming that it was started by "religious leaders who wanted to protect free slaves from the Ku Klux Klan. They would raise money, buy arms, show those free slaves how to use those arms and protect their families." Alford went on say "god bless them.. .many of us would not be here today if it was not for the NRA." At the same meeting, Niger Innis, national spokesperson for "Congress of Racial Equality" said that "gun control for Black Americans has ultimately been about people control. It sprouts from racist soil" (Star Parker: Gun Control is Racist, 2013, video). While gun advocates such as those noted above might be well intended and genuine in their beliefs, their efforts to oppose gun controls as a way to protect and empower the Black community can be understood as another example of benevolent racism. There are at least two central reasons for this. First, while it is undeniable that, historically, Whites have indeed demanded strict gun controls for Blacks and other groups that they considered "threatening," the argument can also be made that, today, Blacks are, by far, more likely than Whites to be victims of gun related homicide (typically at the hand of other Blacks), and thus the Black community would disproportionately benefit from tighter gun controls. According to the Bureau of Justice Statistics, from 2002 to 2011, the average homicide rate for Blacks was 6.3 times higher than the rate for Whites (Cooper & Smith, 2013). In fact, in a recent report published in the American Journal of Medicine, Charles H. Hennekens and his co-authors conclude that the number one cause of death among young African-American males aged 18-24 is homicide, more than car accidents, suicide, and diseases combined (Hennekens, Drowos, & Levine, 2013). It should be stressed, furthermore, that over 90 percent of these homicides are gun related (Black Homicide Victimization in the United States, 2012). According to a 2010 Pew Report, although Blacks represent 13 percent of the US population, they account for 55 percent of all gun related homicide victims (Blacks Suffer Disproportionate Share of Firearm Homicide Deaths, 2013). In contrast Whites account for 65 percent of the US. population and 25 percent of all gun related homicide victims. Furthermore, a recent study finds that Black young men are ten times more likely than White young men to be hospitalized for gun related injuries (Leventhal, Gaither & Sege, 2014). Although there is debate about whether or not tighter gun controls can reliably decrease rates of homicide and other forms of violent crime, it is clear that easy accessibility to firearms, combined with the structural conditions typically found in low income urban minority communities (e.g., concentrated poverty, high unemployment rates, lack of access to legitimate opportunity structures, etc.), contribute to the high rates of gun related homicide and injury in these communities (e.g., Stewart, Schreck & Simons, 2006; Kaufman, 2005). And while it is clear that tighter gun controls alone will not likely resolve the problem, there should be little doubt that opposing gun controls in the name of Black self-defense/protection/safety is counterproductive and contributes, or, at best, does nothing to counteract the disproportionate rates of gun related homicide and injury in urban, low income Black communities. In this sense, this pro-gun argument supports (perhaps inadvertently) prevailing racial disparities in the name of "Black protection/empowerment." A second and perhaps more compelling reason as to why these pro-gun arguments that call for Black protection and empowerment can be classified as a form of benevolent racism has to do with the fact that they emphasize a personal solution to what is a social/ structural problem (i.e., they emphasize personal accommodation to the prevailing racial status quo). In effect, pro-gun advocates like David Keene, Star Parker (founder of CURE and the "Never Again" campaign), and several others emphasize the need for Black folks, particularly those who are poor and live in violent urban neighborhoods, to have easy access to firearms as a way for them to exercise self-reliance and protect themselves against the dangers that threaten them. Consistent with the utilitarian logic that underpins benevolent racism noted above, the idea seems to be that although guns are used in a disproportionate number of Black homicides, ensuring easy access to guns as a mechanism for personal protection will ultimately promote a safer community for all. After all, low income urban Black folks often cannot rely on the police and do not have the resources (e.g., sophisticated alarm systems, security guards, etc.) that more affluent people can rely on to ensure their personal safety. Therefore, although access to guns can obviously lead to tragedies, this possibility is overshadowed by the claim (emphasized by the NRA and other groups opposing tighter gun controls) that potential criminals will not target armed citizens. The problem, however, is that this emphasis on self-reliance and personal protection as solutions to violent crime ignores or downplays the multitude of structural and environmental factors-and their social-psychological effects that promote high rates of homicide and interpersonal violence in urban Black communities. These factors include, among others: ( 1 ) feelings of stress, anger, and frustration that stem from racial discrimination and economic deprivation; (2) a lack of equal access to good schools, secure jobs, and other opportunities; (3) the effects of mass incarceration on the legal rights and life chances of Blacks and that of their children (e.g., Black children are over seven times more likely than white children to have a parent in prison); and (4) the influence of deviant sub-cultures that develop in reaction to a lack of legitimate opportunity structures-what Elijah Anderson (1999) refers to as the "code of the street"-and encourage violent behavior. According to various criminologists, these factors have consistently converged to effect AfricanAmericans, and especially African-American males, more than any other group in US society (Stewart, Schreck, & Simons, 2006; Kaufman, 2005; McNulty & Bellair, 2003). Ultimately, calling for easy access to firearms as a way to deal with violence, and opposing gun controls as "racist," not only diverts attention away from the aforementioned structural/environmental conditions that promote interpersonal violence in urban Black communities, but reinforces an individualistic (and accomodiationist) ideology that discourages the necessary structural interventions to deal with this issue in a meaningful way (i.e., making the necessary investments in these communities so as to alleviate the effects of concentrated poverty, challenging sub-cultures of violence, challenging our current system of mass incarceration; reforming existing institutions, opening up structures of opportunity, etc.).

Case turns and outweighs – IPV disproportionately effects marginalized groups and furthers racism. **Jones 14**

Feminista Jones, Why Black Women Struggle More With Domestic Violence, Time Magazine

And for Black women, it’s an even bigger problem: Black women are almost three times as likely to experience death as a result of DV/IPV than White women. And while Black women only make up 8% of the population, 22% of homicides that result from DV/IPV happen to Black Women and 29% of all victimized women, making it one of the leading causes of death for Black women ages 15 to 35. Statistically, we experience sexual assault and DV/IPV at disproportionate rates and have the highest rates of intra-racial violence against us than any other group. We are also less likely to report or seek help when we are victimized. The reasons Black women suffer disproportionately from abuse are complex. Racism and sexism are two of the biggest obstacles that Black women in America face. But because many Black women and men believe racism is a bigger issue than sexism, Black women tend to feel obligated to put racial issues ahead of sex-based issues. For Black women, a strong sense of cultural affinity and loyalty to community and race renders many of us silent, so our stories often go untold. One of the biggest related impediments is our hesitation in trusting the police or the justice system. As Black people, we don’t always feel comfortable surrendering “our own” to the treatment of a racially biased police state and as women, we don’t always feel safe calling police officers who may harm us instead of helping us. And when we do speak out or seek help, we too often experience backlash from members of our communities who believe we are airing out dirty laundry and making ourselves look bad in front of White people. Access to employment and economic self-sufficiency are also important. Racism has a disparate impact on Black people, men especially, who have, for the past six decades, consistently been held to an unemployment rate almost double that of white men. In a society that measures “manhood” primarily by one’s ability to provide, being denied access to the means to provide can cause some men to seek power through dominating women. For some men, the venting of anger turns violent and their partners suffer the greatest blows. Black women also face employment disparities, earning less than Black men and White men and women. This wage disparity limits available options and leaves many women, particularly mothers, feeling trapped in bad relationships where financial needs trump all. Spiritual beliefs and negative views about mental health services also factor into why many Black women remain with abusive partners. One in three Black Americans who need mental health treatment actually receive it, and we are more likely to rely on religious guidance and faith-based practices when working through relationship issues. Religious beliefs often discourage divorce, encourage forgiveness and occasionally condemns those who seek psychiatric services instead of relying on faith. Black women’s perceptions of what constitutes abuse have been influenced by their negotiation of spiritual and mental health beliefs and how they have shaped our paradigms. Researchers have also found that Black women report feeling more obligated to fight back than to report abuse and that is reflected in the disproportionate rates of DV/IPV reported by Black men. Our attempts to embody the “strong Black woman” stereotype have often done more harm than good, to us and those we love. There is a lot we don’t fully understand about the unique ways in which Black women endure DV/IPV because the lack of empirical research is indicative of what may simply be lack of empathy and concern for what Black women experience. I have been a fierce advocate for Black women and a mental health social worker for more than a decade and I have learned that we cannot win this fight if we don’t acknowledge any such fight exists to begin with. We need to continue speaking out and social media has become valuable in helping victims share their stories and learn about resources that can help. We need to push for stronger laws that punish criminal abusers and we need to advocate for more treatment options for victims and abusers who seek help. We need to fund advocacy programs and supportive services for victims of DV/IPV and work on reducing the stigma attached to seeking help when one is in trouble. Most of all, we need to believe that Black girls and women are valuable, important and worth putting ourselves and our personal safety first, and in our society that might be the hardest thing of all. For too long, the experiences of Black women have been ignored, particularly when it comes to those that affect our overall health and well-being. For centuries, our bodies and labor have been exploited to serve the needs of everyone but ourselves, and the physical and psychological toll can no longer be swept under the rug. Black women matter and the longer we remain invisible and have our dignity stripped and our humanity disregarded, the closer we get to the destruction of our families and communities. We must all work to end the marginalization of Black women and focus our energies on amplifying our voices and sharing what we go through at home, at work and in our communities.

Refusal of violence as an everyday norm is key to solve anti blackness. **Hooks 03**

Hooks 03 [Bell Hooks (has held positions as Professor of African-American Studies and English at Yale University, Associate Professor of Women's Studies and American Literature at Oberlin College in Oberlin, Ohio, and as Distinguished Lecturer of English Literature at the City College of New York). “We Real Cool: Black Men and Masculinity.” Chapter 4—Don’t Make Me Hurt You: Black Male Violence. 2003]

They will act on impulse, led by reactive rage. In the early nineties musician and critic Greg Tate, in the essay “Love and the Enemy,” critiqued the limitations of any movement for black liberation based solely on rhetoric and a pretend display of force: When reaction rage is the dominant form of our politics, when it takes police or mob violence to galvanize us into reaction, it means that there is an unacceptable level of suffering and misery. When quality of life issues are not given the same attention as our antilynching activities, it means we have a low level of life expectations…. The warriors we need to step forward now aren’t the confrontational kind, but healers. Folk who know how to reach into where we really hurt, to the wounds we can’t see and that nobody likes to talk about. If black male leadership doesn’t move in the direction of recognizing the pain and trauma beneath the rage… if we don’t exercise our power to love and heal each other by digging deep into our mutual woundedness, then what we’re struggling for is merely the end of white supremacy —and not the salvaging of its victims. Death by suicide, homicide, or soul murder is still just death, not the winning of a cause but a way to bow out. When black males are unable to move past reactive rage they get caught in the violence, colluding with their own psychic slaughter as well as with the very real deaths that occur when individuals see no alternatives. Creative alternative ways to live, be, and act will come into being only when there is mass education for critical consciousness—an awakening to the awareness that collectively black male survival requires that they learn to challenge patriarchal notions of manhood, that they claim nonviolence as the only progressive stance to take in a world where all life is threatened by patriarchal imperialist war. If black males were to truly reclaim the legacy of Martin Luther King, Jr. and add to this political platform an awareness of the need to end male domination, they would be able to end the violence that is destroying black male life, minute by minute, day by day. It is no accident that just at the moment in our country’s history when the nonviolent civil rights struggle rooted in a love ethic was successfully working to end discrimination, galvanizing the nation and the world— movements that included a critique of militarism, capitalism, and imperalism—the white-supremacist patriarchal state gave unprecedented positive attention to the black males who were advocating violence. It is no accident that just as Malcolm X was moving away from an anti-white black separatist discourse to global awareness of neo-colonialism, linking anti-racist struggle here at home with freedom struggles everywhere, his voice was silenced by state-supported black-on-black homicide. The real agency and power of black liberation struggle was felt when black male leaders dared to turn away from primitive models of patriarchal violence and warfare toward a politics of cultural transformation rooted in love. These radical perspectives and the resistance.

Permissive gun laws are racist – white people don’t support gun control because they’re not the ones who die from gun violence. **Gutting 15**

Gary Gutting 12/28/15, “Guns and Racism,” New York Times http://opinionator.blogs.nytimes.com/2015/12/28/guns-and-racism/ DT.

**Our permissive gun laws are a manifestation of racism,** an evil that, in other contexts, most gun-control advocates see as a fundamental threat to American society. We’ve heard a lot recently about how blacks still don’t feel safe in this country. You can argue about how seriously to take complaints from black students at elite universities or even whether outrageous cases of unjustified police shootings are just isolated occurrences. But **there’s no argument that black people in the “bad parts” of our cities have to live with utterly unacceptable levels of gun violence. In 2010, blacks,** who make up only 13 percent of the population, **were 55 percent of gun homicide victims. It’s no surprise that blacks favor stricter gun controls considerably more than** whites do. How does racism enter into this picture? Let me put it in personal terms. I spend a fair amount of time in Chicago, where the newspapers regularly offer front-page reports of shootings from the previous night. Checking The Tribune on a recent morning, I learned that two people were killed and a dozen wounded. You might think that a steady stream of such reports (this year, Chicago will have over 2,700 shootings, with over 400 people killed) would induce high levels of fear, especially since many shootings occur on the streets. In fact, I’m not particularly afraid, since— like most Chicagoans — I’m hardly ever where the violence occurs. There’s something to worry about only if you live in certain overwhelmingly black communities on the West and South sides of town. (The papers publish helpful [maps](http://crime.chicagotribune.com/chicago/homicides) showing how the killings are distributed.) These are where almost all the shootings occur, and the large majority of victims (and perpetrators) are black. The patterns are similar in other large American cities, so that **those who live with gun violence as an imminent, personal threat are mostly black.** But **imagine if there regularly were shootings in previously “safe” white areas.** Now there are frequent killings on the Magnificent Mile, the Gold Coast and in Lincoln Park. Both the perpetrators and the victims are white, and, despite greatly increased police protection, the violence continues. **Given the strong support for gun control among residents of these areas, the cause would quickly become very personal.** Chicago has relatively strong gun laws, but the city borders on Indiana, where the laws are much laxer. My neighbors and I would join a vigorous and relentless campaign for stricter national gun laws.

### A2 Wilderson – Long

Omitted

### A2 Wilderson – Short

Omitted

## A2 Specific Ks

### A2 Ableism K

Perm do both – they criticize squo definitions of IPV as a crime and the way it’s handled in courts – the plan doesn’t change that, it just uses whatever the definition is and bans abusers from owning guns – if the K changes the definition of an abuser, the plan would entail that new definition

*This isn’t severance at all, their Munson card says “advocates must redefine what constitutes IPV, tailoring it to an individual’s identity” – that’s in no way competitive with the AFF*

Implementable policy strategies are uniquely key for gender violence movements – we are flooded with critique but unable to implement solutions. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

No prior questions to the AFF – exclusive focus on representations erodes meaningful reversal of structures of exploitation---discursive focus can’t replace concrete change . **Giroux 6**

Henry Giroux 06, prof of edu and cultural studies at Penn State, 6 (Comparative Studies of South Asia)

Abstracted from the ideal of public commitment, the **new authoritarianism represents a** political and economic practice and **form of militarism that loosen[s] the connections among** substantive **democracy**, critical agency, **and critical education. In opposition** to the rising tide of authoritarianism, **educators** across the globe **must make a case for linking learning to progressive social change** while struggling to pluralize and critically engage the diverse sites where public pedagogy takes place. In part, this suggests forming alliances that can make sure every sphere of social life is recognized as an important site of the political, social, and cultural struggle that is so crucial to any attempt to forge the knowledge, identifications, effective investments, and social relations that constitute political subjects and social agents capable of energizing and spreading the basis for a substantive global democracy. **Such circumstances require** that **pedagogy be embraced as a moral and political practice**, one that is directive and not dogmatic, an outgrowth of struggles designed **to resist the increasing depoliticization of political culture that is the hallmark of** the current **Bush** revolution**. Education is the terrain where consciousness is shaped**, needs are constructed, **and the capacity for** individual self-reflection and **broad social change is nurtured** and produced. Education has assumed an unparalleled significance in shaping the language, values, and ideologies that legitimize the structures and organizations that support the imperatives of global capitalism. Efforts to reduce it to a technique or methodology set aside, education remains a crucial site for the production and struggle over those pedagogical and political conditions that provide the possibilities for people to develop forms of agency that enable them individually and collectively to intervene in the processes through which the material relations of power shape the meaning and practices of their everyday lives. Within the current historical context, struggles over power take on a symbolic and discursive as well as a material and institutional form. The struggle over education is about more than the struggle over meaning and identity; it is also about how meaning, knowledge, and values are produced, authorized, and made operational within economic and structural relations of power. Education is not at odds with politics; it is an important and crucial element in any definition of the political and offers not only the theoretical tools for a systematic critique of authoritarianism but also a language of possibility for creating actual movements for democratic social change and a new biopolitics that affirms life rather than death, shared responsibility rather than shared fears, and engaged citizenship rather than the stripped-down values of consumerism. **At stake here is combining symbolic forms** and processes **conducive to democratization with** broader social contexts and the **institutional formations of power itself. The key point** here **is to** understand and **engage educational** and pedagogical **practices from the point of** view of **how they are bound up with larger relations of power. Educators**, students, and parents **need to be clearer about how power works through** and in texts, **representations**, and discourses, **while at the same time recognizing** that **power cannot be limited to the study of** representations and **discourses, even at the level of public policy. Changing consciousness is not the same as altering the** institutional basis of oppression; at the same time, institutional **reform cannot take place without a change in consciousness capable of recognizing not only injustice but also the very possibility for reform, the capacity to reinvent the** conditions [End Page 176] and **practices that make a more just future possible.** In addition, it is crucial to raise questions about the relationship between pedagogy and civic culture, on the one hand, and what it takes for individuals and social groups to believe that they have any responsibility whatsoever even to address the realities of class, race, gender, and other specific forms of domination, on the other hand. For too long, the progressives have ignored that the strategic dimension of politics is inextricably connected to questions of critical education and pedagogy, to what it means to acknowledge that education is always tangled up with power, ideologies, values, and the acquisition of both particular forms of agency and specific visions of the future. The primacy of critical pedagogy to politics, social change, and the radical imagination in such dark times is dramatically captured by the internationally renowned sociologist Zygmunt Bauman. He writes, Adverse odds may be overwhelming, and yet a democratic (or, as Cornelius Castoriadis would say, an autonomous) society knows of no substitute for education and self-education as a means to influence the turn of events that can be squared with its own nature, while that nature cannot be preserved for long without "critical pedagogy"—an education sharpening its critical edge, "making society feel guilty" and "stirring things up" through stirring human consciences. The fates of freedom, of democracy that makes it possible while being made possible by it, and of education that breeds dissatisfaction with the level of both freedom and democracy achieved thus far, are inextricably connected and not to be detached from one another. One may view that intimate connection as another specimen of a vicious circle—but **it is within that circle that human hopes and the chances of humanity are inscribed, and can be nowhere else**.59

Perm do the alt in every other instance – either the alt solves residual links to every other IPV law or it can’t solve the AFF anyway

The AFF solves material conditions of IPV for everyone – that’s a prerequisite – can’t change ableism without fixing material structures. **Jenkins 12**

Stephanie C. Jenkins PhD ABLING ETHICS: A GENEALOGY OF ABILITY A Dissertation in Philosophy and Women’s Studies 2012

Disability bioethicists have also called for the need to address the harsh realities of impairment. For example, noting that disability advocates must “grapple with the social justice and definitional questions posed by bioethics,” Asch contends that disability studies and bioethics cannot progress without an account of the concrete, physiological limitations impairments impose on individuals. Kittay makes a similar argument in relation to cognitive disability through observations of her daughter, Sesha. She writes, “The cognitive impairments of the severely and profoundly retarded are not merely contingently disabling. Unlike many disabilities [Sesha’s] are not simply social constructions. Someone such as my daughter could not survive, much less thrive, without constant and vigilant attention, without someone performing for her nearly all the tasks of daily living.”64 In light of these criticisms, some disability bioethicists have called for the need for a compromise or common ground between the medical and social models of disability. Rather than view the medical and social models as “competitors”,65 for example, Silvers advocates the creation of theoretical space in which these two models can “stand in relation to each other” and “coexist”.66 This involves understanding the role of modeling itself, as well as how each model serves a different purpose, aim, and classificatory function for disability. “For a pluralistic society,” she writes, “many models of disability are better than one.”67 The point, however, is that permitting the tension that exists between the two models enables disability advocates to account for both the material reality of impairment limitations while seeking to change the social environments that stigmatize and exclude individuals with disabilities**.** Although Kittay does not frame her argument as such, I interpret her use of a similar combined model as both acknowledging the biological limitations imposed by certain impairments and creating inclusive environments accepting of diversity. 68 (24-5)

Turn -vote aff to reject the concept that certain groups are disabled and embrace that everyone is disabled – their logic leads to worse exclusion and oppression. **Shildrick 12**

Shildrick, ’12 (Margrit, Professor of Gender and Knowledge Production at Linkoping University, Sweden and Adjunct Professor of Critical Disability Studies at York University, Toronto, Canada, *Dangerous Discourses of Disability, Subjectivity and Sexuality,* Palgrave Macmillan: Sweden, 2012)//ERG

￼lntroduction Why is it that at the beginning of the twenty-first century - with its multiple geo-political insecurities and anxieties, its distinctly ambiva- lent expectations of the future, and its growing awareness of internal pressures - the western world and its developed counterparts should be so unsettled by anomalous embodiment? What is it about the variant morphology of intra-human difference that is so disturbing as to invoke in the self-defined mainstream not simply a reluctance to enter into full relationship, but a positive turning away and silencing of the unaccepted other? For such a disengagement to persist in the face of appar-ently more weighty global concerns speaks not to an over-investment in the local and individual, a kind of displaced anxiety even - though that cannot be entirely discounted - but to the extraordinary significance of human corporeality. To be named as differently embodied is already to occupy a place that is defined as exceptional to some putative norm, rather than to simply represent one position among a multiplicity of possibilities. The self-evidence of differential forma cross human morphology as a whole is put a side in favour of a discourse in which some people are taken to inherently exceed the boundaries of what counts as normative embodiment. In this text, I concentrate on the continuing discursive exclusion of disability within western and western-inflected societies, and argue that at the very same time that such states are making tremendous strides towards the formal integration of disabled people into the rights, obligations, and expectations of normative citizenship, a counter-trend of segregation is equally in play. The title of this book ~ Dangerous Discourses- is no rhetorical flourish, but an indication of the depth of anxiety that engagement with disability elicits. My thesis is that disabled people l continue to endure broad cultural discrimination and alienation, not so much for their difference (which may of course be hidden) but because their form of living in the body lays bare the psycho-social imaginary that sustains modernist under- standings of what it is to be a subject. Where physical and mental autonomy, the ability to think rationally and impartially, and interper- sonal separation and distinction are the valued attributes of western subjectivity, then any compromise of control over one's own body, any indication of interdependency and connectivity, or of corporeal instability, are the occasion ~ for the normative majority - of a deep-seated anxiety that devalues difference. In an earlier book, Embodying the Monster, I traced that negative trajectory through the history of the monstrous into present-day manifestations that implicate a variety of non-normative forms of embodiment: from conjoined twins, through displaced persons like refugees, to the futuristic cyborg. Yet for all the narrative of violence, oppression, and disavowal of the monstrous, the coincident exposure of a motivating and irreducible vulnerability at the heart of all human embodiment signalled not the inevitability of rejection, but the possibility ofwhat Haraway (1992) terms a “regenerative politics'. Her opening up of 'the promises of monsters' gives hope to a different future. In taking up my present focus on states of disability, I reiterate some of the same themes, but in a more substantive and every- day context that imbricates with, yet fundarnentally critiques, are cent history of disability politics that has also sought to over turn the normative paradigms that determine who shall be valued and who not. Against the standard demands for an extension and solidification of rights disabled people, and for a more thorough going inclusion of their specific interests in cultural production. I turn instead to an investigation of what it is that continues to impede the evolution of equitable conditions of possibility. Such a mode of thinking marks what is often termed 'critical disability studies', a relatively recent development- within which I situate my own Work- that is broadly aligned with a post conventional theoretical approach. Its purpose is both to extend into new territory the achievements of working through a more modernist paradigm of disability, and where necessary to productively critique the limitations of that model.

### A2 Agamben K

**Turn** – guns create a politics of fear and individualism that make government oppression inevitable. DeBrabander 15

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015, CC

Rousseau and Tocqueville maintain that democracies, like all states, devolve through political concentration. Viewing the young American democracy, Tocqueville deduces that extreme individualism greases the wheels of this process. Materialism sharpens our individualism and makes us devoted to personal gain, as opposed to personal glory, which is more amenable to civic participation. Egalitarianism ironically urges us to dissociate from others, Tocqueville suggests; if my neighbors and compatriots are neither above me nor below me, what need do I have for them? In the ancien régime, people in different stations relied on one another, and the pieces of society fit together into a seamless whole. Not so in the new world: here, I may be self-determining and self-sufficient. Tocqueville offers a vision of aristocracy that is too rosy. He suggests that the masses should rely on the expertise of the nobility, who are bred and trained for leadership. But the American instinct to reject expertise and authority in favor of self-reliance is, for Tocqueville, at least equally disastrous. It is wonderful so long as it inspires the political attention and interest he witnessed in New England town meetings, but civic involvement is ultimately bound to lose out to capitalistic endeavors and the seductive joys of consumerism. Civic involvement has become a casualty in our own era, when we suffer from “time poverty,” as sociologist Juliet Schor put it: Americans put in long work days, combined with increasingly long commutes, and have little time or energy to interact with their peers, work for their communities, or even think much about politics. 88 This state of affairs is fueled by personal ambition, but also by plain greed. As Tocqueville presciently saw, Americans have little interest, and are left with little energy, to be political creatures, and to devote time to thoughtful and concerted political action and interaction. This fragmentation of society into atomistic individuals, each pursuing his or her own endeavor in isolation or in contention with others, renders us vulnerable and ripe for oppression: “What resistance can be offered to tyranny in a country where each individual is weak and where citizens are not united by any common interest?” 89 There is perhaps no individualism more extreme than that put forth by the contemporary gun rights movement. The NRA argues against the collective reading of the Second Amendment and insists instead upon the individual citizen’s right to amass a colossal private arsenal. The organization toils on behalf of individuals’ right to shoot intruders in their private abodes without accountability or social judgment. It works to ensure that individuals can act impulsively in private arguments, according to their personal whims, passions, and prejudices. It demands that they be permitted ammunition capable of piercing bulletproof vests worn by police. None of these advances a collective right or concern. It is to further the interests of each individual in being armed to the teeth, with whatever tools, for whatever purpose (provided it is within the law), and to have greater leeway in wielding and employing them. These arms represent a suspicion of the collective, and of the government that would represent the collective good. I argued in the previous chapter how these weapons are a mark of suspicion, and deepen the suspicion of the armed. A gun fundamentally severs its bearer from the community of his peers; it causes others to treat [them] him with trepidation and fear— if they approach him at all. As open carry proponents proudly assert, their weapons are intended to serve as a warning. Saul Cornell chides contemporary gun rights ideology for promoting gun ownership primarily as “a means for repulsing government or other citizens, not a means for creating a common civic culture.” 90 This, he argues, is at odds with the aims and intentions of our Founders. He believes they did envision an individual right to bear arms, but it was never meant to be a right in isolation. It was to be linked to a civic function and to collective obligation. Cornell writes, The original version of a well-regulated militia was premised on the notion that rights and obligations were inseparable. Arms bearing was a public activity, a way of nurturing and demonstrating one’s capacity for virtue. The militia was viewed by the Founders as a vital political and social institution, part of a seamless web that knit the locality, the state, and the national government together into a cohesive political community. 91 Cornell’s argument aptly depicts how the current gun rights movement undermines civic life. Gun rights, as they are currently conceived and championed by the NRA, are the ultimate go-it-alone rights. If our Founders felt that the Second Amendment would help oppose tyrannical government, it is reasonable to wonder how such opposition was ever to be mobilized. It could hardly happen in a nation of armed, isolated individuals, each in charge of a private arsenal. This purpose requires a trained, organized— regulated— force; it implies collective action, purpose, will, and commitment. George Washington grew tired of militias to the extent that they were loose collections of individuals. He wanted a fighting force with cohesion, identity, and organization because he was a warrior, and he knew what war— or the toppling of tyrannical regimes— required. The gun rights movement pits the individual against society. Collectives are suspect, groups weak, their members sheeplike, obedient, pliant, and ultimately subservient. Collectives breed collective behavior, which is reprehensible to the movement’s bold, assertive, fearless, and morally certain adherents. People mired in collective sensibilities wait for the police to bail them out of threatening situations. Free, confident, strong individuals go it alone. Collectives are corruptible, their members easy to manipulate and herd. Only the independent individual is pure and inviolate. Political freedom thus stems from the uncorrupted and incorruptible sovereign individual. To gun rights advocates, that is the center and foundation of liberty. This much is clear from the political vision put forth by Napolitano and LaPierre: the principal political battlefield, anticipated by the Founding Fathers who knew tyranny firsthand, is between the individual fighting to retain his sovereignty, and the collective that would strip it away. This stripping-away takes place through, among other things, government efforts to regulate guns, abetted by those who would cede their freedom for the short-term prospect of personal safety. In the process, such people unwittingly empower tyranny. Dan Baum writes Guns are the perfect stand-in for one of the fundamental, irresolvable, and recurring questions we face: to what extent should Americans live as a collective, or as a nation of rugged individuals? We have the same fight over health care, welfare, environmental regulations, and a hundred other issues. The firearm, though, is the ultimate emblem of individual sovereignty, so if you’re inclined in that direction, protecting gun rights is essential. And if you’re by nature a collectivist, the firearm is the abhorrent idol on the enemy’s altar. 92 Baum articulates the dichotomy aptly, at least as it is viewed by the gun rights movement. Tyranny has also been invoked in recent debates over health care and environmental regulation. It follows from, and is symptomatic of, collectivism and anything that points in that direction. The gun rights movement offers us radical individualism— the sovereign individual— as the requisite remedy. But its advocates do not perceive, or refuse to admit, how politically debilitating their agenda is. Contrary to what they assert, their sovereign individuals, even armed to the teeth, are no match for the brute power of tyrants. Instead, the NRA and company unwittingly assist tyrants with their (as Cornell puts it) radically “anti-civic vision.” 93 The gun rights movement undermines the collective or popular organization that alone might prove effective in countering a government bent on oppression.

**Turn –** gun individualism masks more powerful forms of oppression – guns create the illusion of control and cede power to government. DeBrabander 15

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015 TF

Guns do little to protect our freedom in this respect. They are no remedy for the oppression that may be at hand. The surveillance state grows and compels whether we are armed or not. In fact, the gun rights movement inadvertently assists the surveillance state by urging adherents to beware government oppression in a wholly other form—a form in which oppression, in our time, is less likely to emerge. Greenwald says of the surveillance state, in an assessment that is eerily evocative of guns: “You can acculturate people to believing that tyranny is freedom, that their limits are actually emancipations and freedom, that is what this Surveillance State does, by training people to accept their own conformity that they are actually free, that they no longer even realize the ways in which they’re being limited.”64 Guns are likewise a cultural fixation that offers the illusion of freedom—and makes us vulnerable to manipulation, abuse, and oppression. They invite us to feel free and indomitable, while [hiding] blinding us to the ways in which we are limited and dominated. Accordingly, Machiavelli tells us, those in power are all too happy to see us armed. They nod their heads in approval when Cooke claims guns are the ultimate right of a free people—as LaPierre says, the true mark of liberty! Cooke and LaPierre fail to grasp that modern nation states do not need physical force to put us underfoot. They can achieve oppression in ways that cannot be opposed or hindered by mere guns.

Perm do the alt in every instance except the AFF – residual links to biopower from healthcare, rehab programs, and education means the alt solves for them and it solves the AFF or it can’t solve anything

Liberal democratic protections prevent the slide to totalitarianism. **Heins 05**

Heins, 05 (Volker, visiting professor of political science at Concordia University and Senior Fellow at the Institute for Social Research in Frankfurt, 6 German Law Journal No. 5, May,

<http://www.germanlawjournal.com/article.php?id=598>)

According to this basic Principle of Distinction, modern humanitarian action is directed towards those who are caught up in violent conflicts without possessing any strategic value for the respective warring parties. Does this imply that classic humanitarianism and its legal expressions reduce the lives of noncombatants to the "bare life" of nameless individuals beyond the protection of any legal order? I would rather argue that humanitarianism is itself an order-making activity. Its goal is not the preservation of life reduced to a bare natural fact, but conversely the protection of civilians and thereby the protection of elementary standards of civilization which prevent the exclusion of individuals from any legal and moral order. The same holds true for human rights, of course. Agamben fails to appreciate the fact that human rights laws are not about some cadaveric "bare life", but about the protection of moral agency. His sweeping critique also lacks any sense for essential distinctions. It may be legitimate to see "bare life" as a juridical fiction nurtured by the modern state, which claims the right to derogate from otherwise binding norms in times of war and emergency, and to kill individuals, if necessary, outside the law in a mode of "effective factuality." Agamben asserts that sovereignty understood in this manner continues to function in the same way since the seventeenth century and regardless of the democratic or dictatorial structure of the state in question. This claim remains unilluminated by the wealth of evidence that shows how the humanitarian motive not only shapes the mandate of a host state and nonstate agencies, but also serves to restrict the operational freedom of military commanders in democracies, who cannot act with impunity and who do not wage war in a lawless state of nature. Furthermore, Agamben ignores the crisis of humanitarianism that emerged as a result of the totalitarian degeneration of modern states in the twentieth century. States cannot always be assumed to follow a rational self-interest which informs them that there is no point in killing others indiscriminately. The Nazi episode in European history has shown that sometimes leaders do not spare the weak and the sick, but take extra care not to let them escape, even if they are handicapped, very old or very young. Classic humanitarianism depends on the existence of an international society whose members feel bound by a basic set of rules regarding the use of violence—rules which the ICRC itself helped to institutionalize. Conversely, classic humanitarianism becomes dysfunctional when states place no value at all on their international reputation and see harming the lives of defenseless individuals not as useless and cruel, but as part of their very missionThe founders of the ICRC defined war as an anthropological constant that produced a continuous stream of new victims with the predictable regularity and unavoidability of floods or volcanic eruptions. Newer organizations, by contrast, have framed conditions of massive social suffering as a consequence of largely avoidable political mistakes. The humanitarian movement becomes political, to paraphrase Carl Schmitt, in so far as it orients itself to humanitarian states of emergency, the causes of which are located no longer in nature, but in society and politics. Consequently, the founding generation of the new humanitarian organizations have freed themselves from the ideals of apolitical philanthropy and chosen as their new models historical figures like the Swedish diplomat Raoul Wallenberg, who saved thousands of Jews during the Second World War. In a different fashion than Agamben imagines, the primary concern in the field of humanitarian intervention and human rights politics today is not the protection of bare life, but rather the rehabilitation of the lived life of citizens who suffer, for instance, from conditions such as post-traumatic stress disorder. At the same time, there is a field of activity emerging beneath the threshold of the bare life. In the United States, in particular, pathologists working in conjunction with human rights organizations have discovered the importance of corpses and corporal remains now that it is possible to identify reliable evidence for war crimes from exhumed bodies.

Perm do both – and cross-apply Curry – AFF is a pre-req to the alt since people can’t critique biopower if they’re stuck in cycles of violence – even if the AFF isn’t perfect it’s a necessary starting point – O’Doherty also means without stopping IPV we can’t have collective resistance that the alt requires

Alt doesn’t solve – degenerates into totalitarianism and is hopelessly utopian. **Kohn 6**

Kohn, 06 [Margaret, assistant professor of political science @ the u of Florida, Bare Life and the Limits of Law, Theory and Event 9.2]

Is there an alternative to this nexus of anomie and nomos produced by the state of exception? Agamben invokes genealogy and politics as two interrelated avenues of struggle. According to Agamben, "To show law in its nonrelation to life and life in its nonrelation to law means to open a space between them for human action, which once claimed for itself the name of 'politics'." (88) In a move reminiscent of Foucault, Agamben suggests that breaking thediscursive lock on dominant ways of seeing, or more precisely not seeing, sovereign power is the only way to disrupt its hegemonic effects. Agamben clearly hopes that his theoretical analysis could contribute to the political struggle against authoritarianism, yet he only offers tantalizingly abstract hints about how this might work. Beyond the typical academic conceit that theoretical work is a decisive element of political struggle, Agamben seems to embrace a utopianism that provides little guidance for political action. He imagines, "One day humanity will play with law just as children play with disused objects, not in order to restore them to their canonical use but to free them from it for good." (64) More troubling is his messianic suggestion that "this studious play" will usher in a form of justice that cannot be made juridical. Agamben might do well to consider Hannah Arendt's warning that the belief in justice unmediated by law was one of the characteristics of totalitarianism. It might seem unfair to focus too much attention on Agamben's fairly brief discussion of alternatives to the sovereignty-exception-law nexus, but it is precisely those sections that reveal the flaws in his analysis. It also brings us back to our original question about how to resist the authoritarian implications of the state of exception without falling into the liberal trap of calling for more law. For Agamben, the problem with the "rule of law" response to the war on terrorism is that it ignores the way that the law is fundamentally implicated in the project of sovereignty with its corollary logic of exception. Yet the solution that he endorses reflects a similar blindness. Writing in his utopian-mystical mode, he insists, "the only truly political action, however, is that which severs the nexus between violence and law."(88) Thus Agamben, in spite of all of his theoretical sophistication, ultimately falls into the trap of hoping that politics can be liberated from law, at least the law tied to violence and the demarcating project of sovereignty.

Implementable policy strategies are uniquely key for gender violence movements – we are flooded with critique but unable to implement solutions. **Saloom 06**

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Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

Alt fails – abstract movements won’t produce political results besides violence – embrace the hard work of pragmatic reform Condit 15

[Celeste, Distinguished Research Professor of Communication Studies at the University of Georgia, “Multi-Layered Trajectories for Academic Contributions to Social Change,” Feb 4, 2015, Quarterly Journal of Speech, Volume 101, Issue 1, 2015]

Thus, when Žižek and others urge us to “Act” with violence to destroy the current Reality, without a vision of an alternative, on the grounds that the links between actions and consequences are never certain, we can call his appeal both a failure of imagination and a failure of reality. As for reality, we have dozens of revolutions as models, and the historical record indicates quite clearly that they generally lead not to harmonious cooperation (what I call “AnarchoNiceness” to gently mock the romanticism of Hardt and Negri) but instead to the production of totalitarian states and/or violent factional strife. A materialist constructivist epistemology accounts for this by predicting that it is not possible for symbol-using animals to exist in a symbolic void. All symbolic movement has a trajectory, and if you have not imagined a potentially realizable alternative for that trajectory to take, then what people will leap into is biological predispositions—the first iteration of which is the rule of the strongest primate. Indeed, this is what experience with revolutions has shown to be the most probable outcome of a revolution that is merely against an Evil. The failure of imagination in such rhetorics thereby reveals itself to be critical, so it is worth pondering sources of that failure. The rhetoric of “the kill” in social theory in the past half century has repeatedly reduced to the leap into a void because the symbolized alternative that the context of the twentieth century otherwise predispositionally offers is to the binary opposite of capitalism, i.e., communism. That rhetorical option, however, has been foreclosed by the historical discrediting of the readily imagined forms of communism (e.g., Žižek9). The hard work to invent better alternatives is not as dramatically enticing as the story of the kill: such labor is piecemeal, intellectually difficult, requires multi-disciplinary understandings, and perhaps requires more creativity than the typical academic theorist can muster. In the absence of a viable alternative, the appeals to Radical Revolution seem to have been sustained by the emotional zing of the kill, in many cases amped up by the appeal of autonomy and manliness (Žižek uses the former term and deploys the ethos of the latter). But if one does not provide a viable vision that offers a reasonable chance of leaving most people better off than they are now, then Fox News has a better offering (you'll be free and you'll get rich!). A revolution posited as a void cannot succeed as a horizon of history, other than as constant local scale violent actions, perhaps connected by shifting networks we call “terrorists.” This analysis of the geo-political situation, of the onto-epistemological character of language, and of the limitations of the dominant horizon of social change indicates that the focal project for progressive Left Academics should now include the hard labor to produce alternative visions that appear materially feasible.

Incremental political reform is key – Agamben’s methodology and analysis is wrong and empirics flow AFF – the K is an incomplete strategy. Colatrella 9

[Journal for Critical Education Policy Studies, vol.9. no.1 Nothing Exceptional: Against Agamben, Steven Colatrella University of Maryland University College, Europe, <http://www.jceps.com/PDFs/09-1-05.pdf>]

Conclusion: State Transformation without State of Exception In failing to take into account the expropriation of the slave, the enclosure of the commons, the expropriation of the peasantry and the burning of the witch, the occupation of the colonized’s lands, the IMF Structural Adjustment Program and the repression needed to impose it against resistance, hasn’t Agamben also failed to provide his own theoretical framework with the tools needed to explain the survival or death of the Jew in the Nazi camp, his own paradigmatic example? If we find, as Isabella Clough-Marinaro has34, that the camps for Roma in Italy today are classic examples of homo sacer, right down to publicly exposed showers on concrete enclosures surrounded by barbed wire, needn’t we try to understand what these new horrors have to do with the rolling back of the welfare state in Europe?; with the attack on employment and wages?; with the intensified exploitation that includes that of the undocumented immigrants and the public discourses demonizing them?; with the increased law and order regimes, campaigns against crime that criminalize the Roma, the undocumented and other minorities that have allowed the Italian military to be deployed in the streets to keep an eye on the population; with the creation of such scapegoats to divide the working class exactly at such a time of attack on hard-won social gains? Agamben, as Clough-Marinaro demonstrates, is indispensable to help analyze the camps in the first place, but I would argue that he is of nearly no help at all to help us strategize about what to do about them, because he doesn’t understand what any of it has to do with class relations, relations of expropriation, exploitation and class struggle against these. And that means he can’t understand what the latter has already accomplished and what it has yet to accomplish. To understand this, we need to understand the welfare state itself as it has developed. To do that we need to understand democracy, which in turn requires us to think about the state, as Agamben calls on us to do, but to do so in a way that goes beyond the drama of the state of exception to include the historical accomplishments of the class struggle, particularly those other two categories, democracy and the welfare state. While this is not the place to enter into a full discussion of these issues, which I address elsewhere35, a brief summary of my argument on democracy is useful to make clear my differences with Agamben’s approach. Modern democracy is part of what Polanyi calls the “double movement36” of expropriation and the establishment of the self-regulating market and the efforts by society to defend itself from this process. Modern democracy is born from the English and French Revolutions37, from the anti-slavery movement in the US, and from the labor and socialist movements in Europe38. Mass democratic movements that have furthered this process have been fought either to retard the separation of the people from the land and access to means of production and subsistence, or to provide new guarantees of meeting these needs and providing livelihood to those already expropriated and now exploited. Put differently, the commitment of ordinary people to democracy comes from their need and desire to use it to do something; democracy is an instrument of popular classes to defend and extend their interests. If, as I have argued, citing various authors’ work to the point, the protection of individual rights, avoidance of becoming homo sacer, and prevention of the state of exception required material foundations, those material foundations have, in modern times, required political protection. The modern democratic class struggle, the establishment of democracy and its extension, remain, along with defending or reestablishing control of subsistence and means of production directly in the hands of the people (the commons), the best means of avoiding the fate that Agamben warns us about. This means that the too-facile dismissal of all legal, democratic or constitutional protections, hard-won by generations of struggle, that appear in his analysis that the state of exception is already unexceptional but rather the rule, disarms the very efforts needed to protect us from the state power. The democratic movements have broken down the sterile and false separation between the oikos and the polis argued for by Hannah Arendt40, and the similar separations between everyday life and social reproduction and public life, between zoe and bios. This is not by chance: slave plantations were private homes; the family enterprise studied by Marx was considered virtually an extension of the owners’ household; the needs of working families for subsistence or health care, or the infant mortality rate, unwanted pregnancies and their impact on women’s lives and the mortality rate of women in childbirth were all considered private affairs, not public or political ones. It was the accomplishment of the modern workers and women’s movements, of modern democracy, to change this state of affairs. Agamben sneeringly dismisses, indeed scarily demonizes this accomplishment as “biopolitics”: What comes to light in order to be exposed apud Westminster is, once again, the body of homo sacer, which is to say, bare life. This is modern democracy’s strength, and at the same time, its inner contradiction: modern democracy does not abolish sacred life but rather shatters it and disseminates it into every individual body, making it into what is at stake in political conflict. And the root of modern democracy’s secret biopolitical calling lies here: he who will later appear as the bearer of rights, and according to a curious oxymoron, as the new sovereign subject…can only be constituted as such through the repetition of the sovereign exception and the isolation of corpus, bare life, in himself. If it is true that law needs a body in order to be in force, and if one can speak, in this sense, of “law’s desire to have a body”, democracy responds to this desire by compelling law to assume the care of this body.41 39 Agamben provides us with some of the most facile and dangerous thinking, passing for profundity, imaginable: “Once their fundamental referent becomes bare life, traditional political distinctions (such as those between Right and Left, liberalism and totalitarianism, private and public) lose their clarity and their intelligibility and enter into a zone of indistinction.” Agamben, Homo Sacer, p.122. This statement, with the word “capitalism” replacing the phrase “bare life” could have been written by an adherent of the Third International’s Third Period, whose disastrous policies helped bring about precisely the states of exception – Nazi victories – that Agamben is concerned about. Agamben goes on to argue, incredibly, that the very right of habeas corpus by requiring the sheriff to exhibit the body of the accused undermines the liberty of the accused, an interpretation unique in the thousand-year history of habeas corpus rights whose defense has quite rightly underpinned many oppositions to Bush administration tactics in the War on Terror, and whose history has recently been provided a radical defense and materialist interpretation by Linebaugh already cited. The long process of democracy “compelling law to assume the care of the body” instead is the accomplishment of centuries of struggles by ordinary people precisely to move the state out of the business of killing and into the business of providing health care and education. This is what led Ernest Gellner to state, while overstating the case, “"At the base of the modern social order stands not the executioner but the professor… The monopoly of legitimate education is now more important, more central than the monopoly of legitimate violence.42” That the European social democratic welfare state coincided with the European Union’s one great accomplishment, the end of wars between the nation-states of Europe should give us pause for thought43. That the abolition of the death penalty followed these developments should make the relationship clear. What seals the argument is that the revived militarism, political repression and demonization of unpopular minority groups in Europe follow upon the efforts directed by the EU Commission and signed on to by every EU member government to privatize, liberalize markets, overcome workers’ resistance to “flexible” work organization, and impose neoliberal globalization44. The relationship between the democratic class struggle to defend subsistence and basic needs and the defense of individual rights and limitation of state power should be clear. That it isn’t should be attributed to an elitist, too-sophisticated by half approach to the state, democracy and class struggle that appears radical but in fact undermines the very foundations of democracy and social welfare by not making these struggles an integral part of its analysis. The movements for democracy, the class and gender struggles that brought it about and have continued to try to extend it to more spheres of life are, as Marx explained to the First International, not extensions of state power, but partial transformations of the state from a police apparatus and killing machine for the ruling class into a set of functions whose institutions and cadre now concern themselves with caring for the needs of society’s members, with all the contradictions and flaws that studies of the welfare state have demonstrated but with all its benefits too: However, the more enlightened part of the working class fully understands that the future of its class, and, therefore, of mankind, altogether depends upon the formation of the rising working generation. They know that, before everything else, the children and juvenile workers must be saved from the crushing effects of the present system. This can only be effected by converting social reason into social force, and, under given circumstances, there exists no other method of doing so, than through general laws, enforced by the power of the state. In enforcing such laws, the working class do not fortify governmental power. On the contrary, they transform that power, now used against them, into their own agency. They effect by a general act what they would vainly attempt by a multitude of isolated individual efforts. Let us look briefly at two examples in which states of exception were declared by democratically elected governments. In India, Indira Gandhi’s declaration of a state of emergency, while arguably “overdetermined,” came at a particular period characterized by a large strike movement by workers and resistance to policies of her son Sanjay involving two forms of enclosure: slum clearance – expropriation of the poor from their housing – and forced sterilization46. The latter explicitly meets Agamben’s criteria for biopolitics in a democracy leading to a state of exception – though strangely he does not cite it as an example to strengthen his argument. This omission is perhaps due to the fact that, despite Indira Gandhi’s government being characterized by some policies favorable to the lower castes and the rural poor at times, it can hardly be seen as a welfare state or an example of social democracy. That is, its entry into biopolitical policies- the forced sterilization campaign – was purely repressive and not also a form of “care of the body” or social needs. It wasn’t democratic enough, in other words, to be demonized by Agamben. The end of the state of emergency came about through normal democratic means, namely an election that threw Gandhi out of office. Agamben, we might point out, has no theory to address the ending of states of exception. Marx, again speaking for the First International’s General Council defined the Lincoln administration as, “the only example on record in which the Government fought for the people’s liberty, against a section of its own citizens.”47 Agamben, quite reasonably lists Lincoln’s suspension of Habeas Corpus during the Civil War as one of the historic states of exception declared by western liberal democracies that he sees as a precursor to today’s menaces. He is right, but in fact this goes to the heart of my argument against his approach. Three questions can be asked here: was the declaration of a state of emergency, as it were, or to be more precise, the use of exceptional measures, in the actual and not just declared defense of the interests of the popular classes and democracy rather than subversive of these? Was there a real emergency, in the sense that there was a plausible threat, not just to some lives and property say, but to the whole democratic order and survival of the society and of the interests of the popular classes? And was the declaration temporary and withdrawn after a short time and when the emergency was over? I think that a plausible case can be made that the answer is yes to all three of these, whereas in the case of say, the internment of the Japanese-Americans during World War II, which involved the expropriation of land and property from the victims, the answer would certainly be no to the first two. But isn’t all this just a social democratic argument, one that forgets the long history of proletarian attempts to establish direct democracy through the Paris Commune, the Soviets, the Workers Councils? Didn’t Marx also argue that “the working class cannot simply lay hold of the ready-made State machinery, and wield it for its own purposes.”? Indeed, is this not why Negri and others have been drawn to a kind of photo-negative version of Schmitt’s state of exception – the revolutionary moment in which the proletariat or the multitude can rewrite both the material and the legal constitutions? The experience of recent and current movements and radical left governments in Latin America challenges the idea that a state of exception is needed to carry out constitutional transformation. In Venezuela, Bolivia, Ecuador and elsewhere, major changes are being carried out and new constitutions written48. These experiences, despite great diversity in their proposals, debates and outcomes, as well as of course the national contexts in which they occur, have several common features. First, they involve an alliance between an elected representative government and a mass movement that is itself quite diverse, but which is based on the working majority of the population; second they involve attempts to meld traditional representation using existing institutions and various forms of direct democracy at the workplace, neighborhood, and municipality; third, the new constitutions result from a large-scale discussion with serious input and participation from the grassroots and associations of all types; fourth, constitutional changes have been put to referenda votes, so it is the people, in an expression of Rousseau’s General Will, that can approve changes in which they participated both at the level of their associations and through representatives in drafting; fifth the changes affect the material constitution – the distribution of property, the rights of people to land or subsistence or income, as well as the legal apparatus; sixth, these movements typically involve movements of exactly those groups historically designated as homo sacer: the indigenous people of the continent. These movements and governments are certainly not without their contradictions, particularly regarding the role of the executive and relationship of leader to movement. But it would be a mistake to deny the autonomy, now greater, now lesser, of the movements from the heads of government, even in Venezuela49. No state of exception has been used to impose these changes; rather the only risks of a state of exception have come during the coup attempt by the opponents of President Chavez of Venezuela, with backing from the Bush Administration, and the recent coup in Honduras, overthrowing President Zelaya. The mass democratic, proletarian movement that has opposed that coup testifies powerfully to the theses in this essay. Similarly, though in a very different context, the mass occupation of the capital Bangkok by pro-democracy demonstrators in Thailand, largely farmers and urban workers, and the massacre they suffered at the hands of the military, the monarchy and the elites they protect, under martial law, again suggests that the lines are increasingly clearly drawn between one set of class forces demanding democracy so as to use democratic government and their own organized movement to meet the needs of the majority, and those who are willing to destroy civil liberties and democratic institutions if necessary, in order to impose and sustain neoliberal capitalist globalization and the inequalities it creates. Even the examples from the region that do not easily fit this model, such as the Zapatista movement in Mexico and the radical democracy briefly created and crushed in Oaxaca have not been attempts at all or nothing insurrections, but have seen themselves as part of larger processes needed to democratize Mexico. Can these approaches work where both traditional social democracy and the revolutionary tradition of direct democracy have failed to fully transform the state from a machine for killing – from a permanent state of exception – into an instrument of the people to meet their needs under their control? The struggles of peoples who have resisted expropriation for 500 years deserve our patience as they work out how to deal with conditions that Agamben has only interpreted for us. The point remains to change them.

Their biopower impact is asinine **Rabinow 06**

Paul Rabinow, Anthropology, UC-Berkeley, and Nikolas Rose, Sociology, LSE, '06BioSocieties 1 (2): 195–217 "Biopower Today" <http://dx.doi.org/10.1017/S1745855206040014>

Giorgio **Agamben**, in a series of haunting books**, identifies the Holocaust as the ultimate exemplar of biopower**, and biopower as the hidden meaning of all forms of power from the ancient world to the present. In particular he explores the moments that he terms, after Carl Schmitt, ‘states of exception’, when a sovereign state declares a time or a place where the rule of law can be suspended in the name of self-defence or national security (Agamben, 1995, 1996, 1998, 2000a, 2000b, 2005). There is much to be learned from these studies of the profound traumas that mark European histories: we agree that Holocaust is not an exceptional moment of throwback to a singular barbarianism, but an enduring possibility intrinsic to the very project of civilization and the law. However, **Agamben grounds his ana- lysis in a particular way** that **we find problematic**. **He argues that all power rests ultimately on the ability of one to take the life of another**—it is a power over life grounded in the pos- sibility of enforcing death. He characterizes this power by reference to the obscure metaphor of homo sacer—the enigmatic figure in Roman law whose crimes made his sacrifice impos- sible but who could be killed with impunity. Like this figure, who is reduced from bios— crudely, the way of life proper to an individual or group in a polity—to zo¨ e—‘bare life’**— he suggests that the birth of biopower in modernity marks the point at which the biological life of subjects enters politics and belongs entirely to the State.** The ultimate grasp of the Sovereign or the State over the lives of subjects is exemplified, for him, in the concentration camps, labour camps and death camps of the Nazis: sovereign States depend on their capa- city to create states of exception. Such states may be exceptional, but are nonetheless imma- nent in modernity itself—a fourth space added to that of state, nation and land, in which inhabitants are stripped of everything but their bare life, which is placed without recourse in the hands of power. Indeed they are the ‘nomos’ of modernity: ‘This is why the camp is the very paradigm of political space at the point at which politics becomes biopolitics and homo sacer is virtually confused with the citizen’ (Agamben, 1998: 171). Agamben takes seriously Adorno’s challenge—how is it possible to think after Ausch- witz (Mesnard and Kahan, 2001)? But, for that very reason**, it is to trivialize Auschwitz to see it as the hidden possibility in every instance where living beings enter the scope of reg- ulation**, control and government. The power to command under threat of death is exercised by States and their surrogates in multiple instances, in micro forms and in geopolitical rela- tions. But **this does not demonstrate that this form of power**—commands backed up by the ultimate threat of death—**is the guarantee or underpinning principle of all forms of biopower** in contemporary liberal societies. **Nor is it useful to use this single diagram to ana- lyse every contemporary instance of thanatopolitics**—from Rwanda to the epidemic of Aids deaths across Africa. Surely **the essence of critical thought must be its capacity to make dis- tinctions that can facilitate judgement and action.**8 Holocaust is undoubtedly one configuration that modern biopower can take. Racism allows power to subdivide a population into subspecies, to designate these in terms of in terms of a biological substrate, and to initiate and sustain an array of dynamic relations in which the exclusion, incarceration or death of those who are inferior can be seen as some- thing that will make life in general healthier and purer. As Foucault put it in 1976, ‘racism justifies the death-function in the economy of biopower by appealing to the principle that the death of others makes one biologically stronger insofar as one is a member of a race or a population’ (2002: 258). It is true that in this lecture he suggests that it is ‘the emer- gence of biopower that inscribes [racism] in the mechanisms of the State . . . as the basic mechanism of power, as it is exercised in modern States’ (2002: 254). But **the Nazi regime was, in** **his [Foucault's] view, exceptional**—‘a paroxysmal development’: We have, then, in Nazi society something that is really quite extraordinary: this is a society which has generalized biopower in an absolute sense, but which has also gen- eralized the sovereign right to kill . . . to kill anyone, meaning not only other people but also its own people . . . a coincidence between a generalized biopower and a dicta- torship that was at once absolute and retransmitted throughout the entire social body. (2002: 260**) Biopower, in the form it took under National Socialism, was a complex mix of the politics of life and the politics of death**—as Robert Proctor (1999) points out, **Nazi doctors and health activists waged war on tobacco, sought to curb exposure to asbestos, worried about the over-use of medication and X-rays**, stressed the importance of a diet free of petrochem- ical dyes and preservatives, campaigned for whole-grain bread and foods high in vitamins and fibre, and many were vegetarians. But, **within this complex, the path to the death camps was dependent upon a host of other historical, moral, political and technical conditions. Holocaust is neither exemplary of thanatopolitics, nor the hidden dark truth of biopower.**

### A2 Biopower K - Generic

Turn – guns create a politics of fear and individualism that make government oppression inevitable. DeBrabander 15

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015, CC

Rousseau and Tocqueville maintain that democracies, like all states, devolve through political concentration. Viewing the young American democracy, Tocqueville deduces that extreme individualism greases the wheels of this process. Materialism sharpens our individualism and makes us devoted to personal gain, as opposed to personal glory, which is more amenable to civic participation. Egalitarianism ironically urges us to dissociate from others, Tocqueville suggests; if my neighbors and compatriots are neither above me nor below me, what need do I have for them? In the ancien régime, people in different stations relied on one another, and the pieces of society fit together into a seamless whole. Not so in the new world: here, I may be self-determining and self-sufficient. Tocqueville offers a vision of aristocracy that is too rosy. He suggests that the masses should rely on the expertise of the nobility, who are bred and trained for leadership. But the American instinct to reject expertise and authority in favor of self-reliance is, for Tocqueville, at least equally disastrous. It is wonderful so long as it inspires the political attention and interest he witnessed in New England town meetings, but civic involvement is ultimately bound to lose out to capitalistic endeavors and the seductive joys of consumerism. Civic involvement has become a casualty in our own era, when we suffer from “time poverty,” as sociologist Juliet Schor put it: Americans put in long work days, combined with increasingly long commutes, and have little time or energy to interact with their peers, work for their communities, or even think much about politics. 88 This state of affairs is fueled by personal ambition, but also by plain greed. As Tocqueville presciently saw, Americans have little interest, and are left with little energy, to be political creatures, and to devote time to thoughtful and concerted political action and interaction. This fragmentation of society into atomistic individuals, each pursuing his or her own endeavor in isolation or in contention with others, renders us vulnerable and ripe for oppression: “What resistance can be offered to tyranny in a country where each individual is weak and where citizens are not united by any common interest?” 89 There is perhaps no individualism more extreme than that put forth by the contemporary gun rights movement. The NRA argues against the collective reading of the Second Amendment and insists instead upon the individual citizen’s right to amass a colossal private arsenal. The organization toils on behalf of individuals’ right to shoot intruders in their private abodes without accountability or social judgment. It works to ensure that individuals can act impulsively in private arguments, according to their personal whims, passions, and prejudices. It demands that they be permitted ammunition capable of piercing bulletproof vests worn by police. None of these advances a collective right or concern. It is to further the interests of each individual in being armed to the teeth, with whatever tools, for whatever purpose (provided it is within the law), and to have greater leeway in wielding and employing them. These arms represent a suspicion of the collective, and of the government that would represent the collective good. I argued in the previous chapter how these weapons are a mark of suspicion, and deepen the suspicion of the armed. A gun fundamentally severs its bearer from the community of his peers; it causes others to treat [them] him with trepidation and fear— if they approach him at all. As open carry proponents proudly assert, their weapons are intended to serve as a warning. Saul Cornell chides contemporary gun rights ideology for promoting gun ownership primarily as “a means for repulsing government or other citizens, not a means for creating a common civic culture.” 90 This, he argues, is at odds with the aims and intentions of our Founders. He believes they did envision an individual right to bear arms, but it was never meant to be a right in isolation. It was to be linked to a civic function and to collective obligation. Cornell writes, The original version of a well-regulated militia was premised on the notion that rights and obligations were inseparable. Arms bearing was a public activity, a way of nurturing and demonstrating one’s capacity for virtue. The militia was viewed by the Founders as a vital political and social institution, part of a seamless web that knit the locality, the state, and the national government together into a cohesive political community. 91 Cornell’s argument aptly depicts how the current gun rights movement undermines civic life. Gun rights, as they are currently conceived and championed by the NRA, are the ultimate go-it-alone rights. If our Founders felt that the Second Amendment would help oppose tyrannical government, it is reasonable to wonder how such opposition was ever to be mobilized. It could hardly happen in a nation of armed, isolated individuals, each in charge of a private arsenal. This purpose requires a trained, organized— regulated— force; it implies collective action, purpose, will, and commitment. George Washington grew tired of militias to the extent that they were loose collections of individuals. He wanted a fighting force with cohesion, identity, and organization because he was a warrior, and he knew what war— or the toppling of tyrannical regimes— required. The gun rights movement pits the individual against society. Collectives are suspect, groups weak, their members sheeplike, obedient, pliant, and ultimately subservient. Collectives breed collective behavior, which is reprehensible to the movement’s bold, assertive, fearless, and morally certain adherents. People mired in collective sensibilities wait for the police to bail them out of threatening situations. Free, confident, strong individuals go it alone. Collectives are corruptible, their members easy to manipulate and herd. Only the independent individual is pure and inviolate. Political freedom thus stems from the uncorrupted and incorruptible sovereign individual. To gun rights advocates, that is the center and foundation of liberty. This much is clear from the political vision put forth by Napolitano and LaPierre: the principal political battlefield, anticipated by the Founding Fathers who knew tyranny firsthand, is between the individual fighting to retain his sovereignty, and the collective that would strip it away. This stripping-away takes place through, among other things, government efforts to regulate guns, abetted by those who would cede their freedom for the short-term prospect of personal safety. In the process, such people unwittingly empower tyranny. Dan Baum writes Guns are the perfect stand-in for one of the fundamental, irresolvable, and recurring questions we face: to what extent should Americans live as a collective, or as a nation of rugged individuals? We have the same fight over health care, welfare, environmental regulations, and a hundred other issues. The firearm, though, is the ultimate emblem of individual sovereignty, so if you’re inclined in that direction, protecting gun rights is essential. And if you’re by nature a collectivist, the firearm is the abhorrent idol on the enemy’s altar. 92 Baum articulates the dichotomy aptly, at least as it is viewed by the gun rights movement. Tyranny has also been invoked in recent debates over health care and environmental regulation. It follows from, and is symptomatic of, collectivism and anything that points in that direction. The gun rights movement offers us radical individualism— the sovereign individual— as the requisite remedy. But its advocates do not perceive, or refuse to admit, how politically debilitating their agenda is. Contrary to what they assert, their sovereign individuals, even armed to the teeth, are no match for the brute power of tyrants. Instead, the NRA and company unwittingly assist tyrants with their (as Cornell puts it) radically “anti-civic vision.” 93 The gun rights movement undermines the collective or popular organization that alone might prove effective in countering a government bent on oppression.

Turn–gun individualism masks more powerful forms of oppression – guns create the illusion of control and cede power to government. DeBrabander 15

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015 TF

Guns do little to protect our freedom in this respect. They are no remedy for the oppression that may be at hand. The surveillance state grows and compels whether we are armed or not. In fact, the gun rights movement inadvertently assists the surveillance state by urging adherents to beware government oppression in a wholly other form—a form in which oppression, in our time, is less likely to emerge. Greenwald says of the surveillance state, in an assessment that is eerily evocative of guns: “You can acculturate people to believing that tyranny is freedom, that their limits are actually emancipations and freedom, that is what this Surveillance State does, by training people to accept their own conformity that they are actually free, that they no longer even realize the ways in which they’re being limited.”64 Guns are likewise a cultural fixation that offers the illusion of freedom—and makes us vulnerable to manipulation, abuse, and oppression. They invite us to feel free and indomitable, while [hiding] blinding us to the ways in which we are limited and dominated. Accordingly, Machiavelli tells us, those in power are all too happy to see us armed. They nod their heads in approval when Cooke claims guns are the ultimate right of a free people—as LaPierre says, the true mark of liberty! Cooke and LaPierre fail to grasp that modern nation states do not need physical force to put us underfoot. They can achieve oppression in ways that cannot be opposed or hindered by mere guns.

Perm do the alt in every instance except the AFF – residual links to biopower from healthcare, rehab programs, and education means the alt solves for them and it solves the AFF or it can’t solve anything

Liberal democratic protections prevent the slide to totalitarianism. **Heins 05**

Heins, 05 (Volker, visiting professor of political science at Concordia University and Senior Fellow at the Institute for Social Research in Frankfurt, 6 German Law Journal No. 5, May,

<http://www.germanlawjournal.com/article.php?id=598>)

According to this basic Principle of Distinction, modern humanitarian action is directed towards those who are caught up in violent conflicts without possessing any strategic value for the respective warring parties. Does this imply that classic humanitarianism and its legal expressions reduce the lives of noncombatants to the "bare life" of nameless individuals beyond the protection of any legal order? I would rather argue that humanitarianism is itself an order-making activity. Its goal is not the preservation of life reduced to a bare natural fact, but conversely the protection of civilians and thereby the protection of elementary standards of civilization which prevent the exclusion of individuals from any legal and moral order. The same holds true for human rights, of course. Agamben fails to appreciate the fact that human rights laws are not about some cadaveric "bare life", but about the protection of moral agency. His sweeping critique also lacks any sense for essential distinctions. It may be legitimate to see "bare life" as a juridical fiction nurtured by the modern state, which claims the right to derogate from otherwise binding norms in times of war and emergency, and to kill individuals, if necessary, outside the law in a mode of "effective factuality." Agamben asserts that sovereignty understood in this manner continues to function in the same way since the seventeenth century and regardless of the democratic or dictatorial structure of the state in question. This claim remains unilluminated by the wealth of evidence that shows how the humanitarian motive not only shapes the mandate of a host state and nonstate agencies, but also serves to restrict the operational freedom of military commanders in democracies, who cannot act with impunity and who do not wage war in a lawless state of nature. Furthermore, Agamben ignores the crisis of humanitarianism that emerged as a result of the totalitarian degeneration of modern states in the twentieth century. States cannot always be assumed to follow a rational self-interest which informs them that there is no point in killing others indiscriminately. The Nazi episode in European history has shown that sometimes leaders do not spare the weak and the sick, but take extra care not to let them escape, even if they are handicapped, very old or very young. Classic humanitarianism depends on the existence of an international society whose members feel bound by a basic set of rules regarding the use of violence—rules which the ICRC itself helped to institutionalize. Conversely, classic humanitarianism becomes dysfunctional when states place no value at all on their international reputation and see harming the lives of defenseless individuals not as useless and cruel, but as part of their very missionThe founders of the ICRC defined war as an anthropological constant that produced a continuous stream of new victims with the predictable regularity and unavoidability of floods or volcanic eruptions. Newer organizations, by contrast, have framed conditions of massive social suffering as a consequence of largely avoidable political mistakes. The humanitarian movement becomes political, to paraphrase Carl Schmitt, in so far as it orients itself to humanitarian states of emergency, the causes of which are located no longer in nature, but in society and politics. Consequently, the founding generation of the new humanitarian organizations have freed themselves from the ideals of apolitical philanthropy and chosen as their new models historical figures like the Swedish diplomat Raoul Wallenberg, who saved thousands of Jews during the Second World War. In a different fashion than Agamben imagines, the primary concern in the field of humanitarian intervention and human rights politics today is not the protection of bare life, but rather the rehabilitation of the lived life of citizens who suffer, for instance, from conditions such as post-traumatic stress disorder. At the same time, there is a field of activity emerging beneath the threshold of the bare life. In the United States, in particular, pathologists working in conjunction with human rights organizations have discovered the importance of corpses and corporal remains now that it is possible to identify reliable evidence for war crimes from exhumed bodies.

Perm do both – and cross-apply Curry – AFF is a pre-req to the alt since people can’t critique biopower if they’re stuck in cycles of violence – even if the AFF isn’t perfect it’s a necessary starting point – O’Doherty also means without stopping IPV we can’t have collective resistance that the alt requires

Alt fails – abstract movements won’t produce political results besides violence – embrace the hard work of pragmatic reform Condit 15

[Celeste, Distinguished Research Professor of Communication Studies at the University of Georgia, “Multi-Layered Trajectories for Academic Contributions to Social Change,” Feb 4, 2015, Quarterly Journal of Speech, Volume 101, Issue 1, 2015]

Thus, when Žižek and others urge us to “Act” with violence to destroy the current Reality, without a vision of an alternative, on the grounds that the links between actions and consequences are never certain, we can call his appeal both a failure of imagination and a failure of reality. As for reality, we have dozens of revolutions as models, and the historical record indicates quite clearly that they generally lead not to harmonious cooperation (what I call “AnarchoNiceness” to gently mock the romanticism of Hardt and Negri) but instead to the production of totalitarian states and/or violent factional strife. A materialist constructivist epistemology accounts for this by predicting that it is not possible for symbol-using animals to exist in a symbolic void. All symbolic movement has a trajectory, and if you have not imagined a potentially realizable alternative for that trajectory to take, then what people will leap into is biological predispositions—the first iteration of which is the rule of the strongest primate. Indeed, this is what experience with revolutions has shown to be the most probable outcome of a revolution that is merely against an Evil. The failure of imagination in such rhetorics thereby reveals itself to be critical, so it is worth pondering sources of that failure. The rhetoric of “the kill” in social theory in the past half century has repeatedly reduced to the leap into a void because the symbolized alternative that the context of the twentieth century otherwise predispositionally offers is to the binary opposite of capitalism, i.e., communism. That rhetorical option, however, has been foreclosed by the historical discrediting of the readily imagined forms of communism (e.g., Žižek9). The hard work to invent better alternatives is not as dramatically enticing as the story of the kill: such labor is piecemeal, intellectually difficult, requires multi-disciplinary understandings, and perhaps requires more creativity than the typical academic theorist can muster. In the absence of a viable alternative, the appeals to Radical Revolution seem to have been sustained by the emotional zing of the kill, in many cases amped up by the appeal of autonomy and manliness (Žižek uses the former term and deploys the ethos of the latter). But if one does not provide a viable vision that offers a reasonable chance of leaving most people better off than they are now, then Fox News has a better offering (you'll be free and you'll get rich!). A revolution posited as a void cannot succeed as a horizon of history, other than as constant local scale violent actions, perhaps connected by shifting networks we call “terrorists.” This analysis of the geo-political situation, of the onto-epistemological character of language, and of the limitations of the dominant horizon of social change indicates that the focal project for progressive Left Academics should now include the hard labor to produce alternative visions that appear materially feasible.

Implementable policy strategies are uniquely key for gender violence movements – we are flooded with critique but unable to implement solutions. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

The welfare state’s biopolitics are a form of social liberation, not authoritarianism **Dickinson 4**

Dickinson, University of Cincinnati, 2004 (Edward Ross, “Biopolitics, Fascism, Democracy: Some Reflections on Our Discourse About “Modernity,” Central European History, vol. 37, no. 1, March)

In short, **the continuities between early twentieth-century biopolitical discourse and the practices of the welfare state in our own time are unmistakasble.** Both are instances of the “disciplinary society” and of biopolitical, regulatory, social-engineering modernity, and they share that genealogy with more authoritarian states, including the National Socialist state, but also fascist Italy, for example. And it is certainly fruitful to view them from this very broad perspective. But that **analysis can easily become superficial and misleading**, because **it obfuscates the profoundly different strategic and local dynamics of power in the two kinds of regimes. Clearly the democratic welfare state is not only formally but also substantively quite different from totalitarianism. Above all**, again, **it has nowhere developed the fateful, radicalizing dynamic that characterized National Socialism (or for that matter Stalinism), the psychotic logic that leads from economistic population management to mass murder.** Again, **there is always the potential for such** a discursive regime **to generate coercive policies.** In those cases in which the regime of rights does not successfully produce “health,” such a system can —and historically does— create compulsory programs to enforce it. **But again, there are political and policy potentials and constraints in such a structuring of biopolitics that are very different from those of National Socialist Germany. Democratic biopolitical regimes require, enable, and incite a degree of self-direction and participation that is functionally incompatible with authoritarian or totalitarian structures. And this pursuit of biopolitical ends through a regime of democratic citizenship does appear, historically, to have imposed increasingly narrow limits on coercive policies, and to have generated a “logic” or imperative of increasing liberalization.** Despite limitations imposed by political context and the slow pace of discursive change, I think **this is the unmistakable message of the really very impressive waves of legislative and welfare reforms in the 1920s or the 1970s in Germany.**90 Of course **it is not** yet clear **whether this is** an **irreversible** dynamic of such systems. **Nevertheless, such regimes are characterized by sufficient degrees of autonomy (and of the potential for its expansion) for sufficient numbers of people that I think it becomes useful to conceive of them as productive of a strategic configuration of power relations that might fruitfully be analyzed as a condition of “liberty,”** just as much as they are productive of constraint, oppression, or manipulation. **At the very least, totalitarianism cannot be the sole orientation point for our understanding of biopolitics, the only end point of the logic of social engineering.** **This notion is not at all at odds with the core of Foucauldian** (and Peukertian) **theory. Democratic welfare states are regimes of power/knowledge no less than early twentieth-century totalitarian states; these systems are not “opposites,”** in the sense that they are two alternative ways of organizing the same thing. **But they are two very different ways of organizing it. The concept “power” should not be read as a universal stifling night of oppression, manipulation, and entrapment, in which all political and social orders are grey, are essentially or effectively “the same.” Power is a set of social relations, in which individuals and groups have varying degrees of autonomy and effective subjectivity. And discourse is**, as Foucault argued, “**tactically polyvalent.” Discursive elements (like the various elements of biopolitics) can be combined in different ways to form parts of quite different strategies (like totalitarianism or the democratic welfare state); they cannot be assigned to one place in a structure, but rather circulate. The varying possible constellations of power in modern societies create “multiple modernities,” modern societies with quite radically differing potentials.**

### A2 Cap K – Revolution

Opposition to gun rights challenges capitalist individualism that makes gov oppression inevitable. DeBrabander 15

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015, CC

Rousseau and Tocqueville maintain that democracies, like all states, devolve through political concentration. Viewing the young American democracy, Tocqueville deduces that extreme individualism greases the wheels of this process. Materialism sharpens our individualism and makes us devoted to personal gain, as opposed to personal glory, which is more amenable to civic participation. Egalitarianism ironically urges us to dissociate from others, Tocqueville suggests; if my neighbors and compatriots are neither above me nor below me, what need do I have for them? In the ancien régime, people in different stations relied on one another, and the pieces of society fit together into a seamless whole. Not so in the new world: here, I may be self-determining and self-sufficient. Tocqueville offers a vision of aristocracy that is too rosy. He suggests that the masses should rely on the expertise of the nobility, who are bred and trained for leadership. But the American instinct to reject expertise and authority in favor of self-reliance is, for Tocqueville, at least equally disastrous. It is wonderful so long as it inspires the political attention and interest he witnessed in New England town meetings, but civic involvement is ultimately bound to lose out to capitalistic endeavors and the seductive joys of consumerism. Civic involvement has become a casualty in our own era, when we suffer from “time poverty,” as sociologist Juliet Schor put it: Americans put in long work days, combined with increasingly long commutes, and have little time or energy to interact with their peers, work for their communities, or even think much about politics. 88 This state of affairs is fueled by personal ambition, but also by plain greed. As Tocqueville presciently saw, Americans have little interest, and are left with little energy, to be political creatures, and to devote time to thoughtful and concerted political action and interaction. This fragmentation of society into atomistic individuals, each pursuing his or her own endeavor in isolation or in contention with others, renders us vulnerable and ripe for oppression: “What resistance can be offered to tyranny in a country where each individual is weak and where citizens are not united by any common interest?” 89 There is perhaps no individualism more extreme than that put forth by the contemporary gun rights movement. The NRA argues against the collective reading of the Second Amendment and insists instead upon the individual citizen’s right to amass a colossal private arsenal. The organization toils on behalf of individuals’ right to shoot intruders in their private abodes without accountability or social judgment. It works to ensure that individuals can act impulsively in private arguments, according to their personal whims, passions, and prejudices. It demands that they be permitted ammunition capable of piercing bulletproof vests worn by police. None of these advances a collective right or concern. It is to further the interests of each individual in being armed to the teeth, with whatever tools, for whatever purpose (provided it is within the law), and to have greater leeway in wielding and employing them. These arms represent a suspicion of the collective, and of the government that would represent the collective good. I argued in the previous chapter how these weapons are a mark of suspicion, and deepen the suspicion of the armed. A gun fundamentally severs its bearer from the community of his peers; it causes others to treat [them] him with trepidation and fear— if they approach him at all. As open carry proponents proudly assert, their weapons are intended to serve as a warning. Saul Cornell chides contemporary gun rights ideology for promoting gun ownership primarily as “a means for repulsing government or other citizens, not a means for creating a common civic culture.” 90 This, he argues, is at odds with the aims and intentions of our Founders. He believes they did envision an individual right to bear arms, but it was never meant to be a right in isolation. It was to be linked to a civic function and to collective obligation. Cornell writes, The original version of a well-regulated militia was premised on the notion that rights and obligations were inseparable. Arms bearing was a public activity, a way of nurturing and demonstrating one’s capacity for virtue. The militia was viewed by the Founders as a vital political and social institution, part of a seamless web that knit the locality, the state, and the national government together into a cohesive political community. 91 Cornell’s argument aptly depicts how the current gun rights movement undermines civic life. Gun rights, as they are currently conceived and championed by the NRA, are the ultimate go-it-alone rights. If our Founders felt that the Second Amendment would help oppose tyrannical government, it is reasonable to wonder how such opposition was ever to be mobilized. It could hardly happen in a nation of armed, isolated individuals, each in charge of a private arsenal. This purpose requires a trained, organized— regulated— force; it implies collective action, purpose, will, and commitment. George Washington grew tired of militias to the extent that they were loose collections of individuals. He wanted a fighting force with cohesion, identity, and organization because he was a warrior, and he knew what war— or the toppling of tyrannical regimes— required. The gun rights movement pits the individual against society. Collectives are suspect, groups weak, their members sheeplike, obedient, pliant, and ultimately subservient. Collectives breed collective behavior, which is reprehensible to the movement’s bold, assertive, fearless, and morally certain adherents. People mired in collective sensibilities wait for the police to bail them out of threatening situations. Free, confident, strong individuals go it alone. Collectives are corruptible, their members easy to manipulate and herd. Only the independent individual is pure and inviolate. Political freedom thus stems from the uncorrupted and incorruptible sovereign individual. To gun rights advocates, that is the center and foundation of liberty. This much is clear from the political vision put forth by Napolitano and LaPierre: the principal political battlefield, anticipated by the Founding Fathers who knew tyranny firsthand, is between the individual fighting to retain his sovereignty, and the collective that would strip it away. This stripping-away takes place through, among other things, government efforts to regulate guns, abetted by those who would cede their freedom for the short-term prospect of personal safety. In the process, such people unwittingly empower tyranny. Dan Baum writes Guns are the perfect stand-in for one of the fundamental, irresolvable, and recurring questions we face: to what extent should Americans live as a collective, or as a nation of rugged individuals? We have the same fight over health care, welfare, environmental regulations, and a hundred other issues. 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Instead, the NRA and company unwittingly assist tyrants with their (as Cornell puts it) radically “anti-civic vision.” 93 The gun rights movement undermines the collective or popular organization that alone might prove effective in countering a government bent on oppression.

Guns create an illusion of control and cede power to government. DeBrabander 15

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Guns do little to protect our freedom in this respect. They are no remedy for the oppression that may be at hand. The surveillance state grows and compels whether we are armed or not. In fact, the gun rights movement inadvertently assists the surveillance state by urging adherents to beware government oppression in a wholly other form—a form in which oppression, in our time, is less likely to emerge. Greenwald says of the surveillance state, in an assessment that is eerily evocative of guns: “You can acculturate people to believing that tyranny is freedom, that their limits are actually emancipations and freedom, that is what this Surveillance State does, by training people to accept their own conformity that they are actually free, that they no longer even realize the ways in which they’re being limited.”64 Guns are likewise a cultural fixation that offers the illusion of freedom—and makes us vulnerable to manipulation, abuse, and oppression. They invite us to feel free and indomitable, while [hiding] blinding us to the ways in which we are limited and dominated. Accordingly, Machiavelli tells us, those in power are all too happy to see us armed. They nod their heads in approval when Cooke claims guns are the ultimate right of a free people—as LaPierre says, the true mark of liberty! Cooke and LaPierre fail to grasp that modern nation states do not need physical force to put us underfoot. They can achieve oppression in ways that cannot be opposed or hindered by mere guns.

Perm do both – and cross-apply Curry – AFF is a pre-req to the alt since people rise up against cap if they suffer material harms of IPV like poverty and depression – even if the AFF isn’t perfect it’s a necessary starting point – O’Doherty also means without stopping IPV we can’t have collective resistance that the alt requires

The aff abolishes private ownership which is capitalist **Christman 94**

Christman, John (1994). The Myth of Property: Toward an Egalitarian Theory of Ownership. Usa.[http://philpapers.org/rec/CHRTM](http://philpapers.org/rec/CHRTMO-6)

While the idea of liberal ownership per se may not be explicitly defended in many theoretical quarters these days (though it definitely is defended in some), it nevertheless occupies a central place in the general ideology of capitalist market societies. And like any kind of ideological tenet, its details are often not articulated in public discussion, or even in the minds of its adherents. **A dominant assumption in capitalist societies is that property owners are in some sense the sovereigns of what they own** (metaphors about homes and castles reflect this). And even if greater social needs, such as preventing starvation or aiding the disabled, override this sovereignty, they do so only after a fight. Owners of property always see taxation for these types of programs as an encroachment on their private domain, one which even if justified in the end, is an invasion nonetheless. **This** kind of thinking **is** also **linked centrally with the public-private distinction crucial to the** liberal (and **capitalist**) legal **order.** The government's power stops at the threshold of my home (or my car or my suitcase). **This presupposes that the** more or less full rights that I have over **my possessions are part of the sanctum of activity that the state has no business invading**, except perhaps for some tremendously weighty social goal. And **liberal ownership,** in this way of thinking, **would afford citizens the greatest possible range of** independence, **privacy**, and personal sovereignty **allowable in a social order.** A corollary to this view is the idea that the institutions of egalitarian economic policy, traditionally manifested in some manner of socialism, would entail the complete eradication of this sort of private control. Since ownership equals individual sovereignty, an economic policy that sees property as socially owned is then in direct conflict with this sovereignty. And all of the nightmares of central economic planning that were spawned by twentieth-century Eastern European socialism come rushing to mind.

Alt fails – their revolution gets crushed. Flaherty 5

http://cryptogon.com/docs/pirate\_insurgency.html

USC BA in International Relations, researcher in political affairs, activist and organic farmer in New Zealand

ACS = American Corporate State

THE NATURE OF ARMED INSURGENCY AGAINST THE ACS Any violent insurgency against the ACS is sure to fail and will only serve to enhance the state's power. The major flaw of violent insurgencies, both cell based (Weathermen Underground, Black Panthers**,** Aryan Nations etc.) and leaderless (Earth Liberation Front, People for the Ethical Treatment of Animals, etc.) is that they are attempting to attack the system using the same tactics the ACS has already mastered: terror and psychological operations. The ACS attained primacy through the effective application of terror and psychological operations. Therefore, it has far more skill and experience in the use of these tactics than any upstart could ever hope to attain.4 This makes the ACS impervious to traditional insurgency tactics. - Political Activism and the ACS Counterinsurgency Apparatus The ACS employs a full time counterinsurgency infrastructure with resources that are unimaginable to most would be insurgents. Quite simply, violent insurgents have no idea of just how powerful the foe actually is. Violent insurgents typically start out as peaceful, idealistic, political activists. Whether or not political activists know it, even with very mundane levels of political activity, they are engaging in low intensity conflict with the ACS. The U.S. military classifies political activism as “low intensity conflict.” The scale of warfare (in terms of intensity) begins with individuals distributing anti-government handbills and public gatherings with anti-government/anti-corporate themes. In the middle of the conflict intensity scale are what the military refers to as Operations Other than War; an example would be the situation the U.S. is facing in Iraq. At the upper right hand side of the graph is global thermonuclear war. What is important to remember is that the military is concerned with ALL points along this scale because they represent different types of threats to the ACS. Making distinctions between civilian law enforcement and military forces, and foreign and domestic intelligence services is no longer necessary. After September 11, 2001, all national security assets would be brought to bear against any U.S. insurgency movement**.** Additionally, the U.S. military established NORTHCOM which designated the U.S. as an active military operational area. Crimes involving the loss of corporate profits will increasingly be treated as acts of terrorism and could garner anything from a local law enforcement response to activation of regular military forces. Most of what is commonly referred to as “political activism” is viewed by the corporate state's counterinsurgency apparatus as a useful and necessary component of political control. Letters-to-the-editor... Calls-to-elected-representatives... Waving banners... “Third” party political activities... Taking beatings, rubber bullets and tear gas from riot police in free speech zones... Political activism amounts to an utterly useless waste of time, in terms of tangible power, which is all the ACS understands. Political activism is a cruel guise that is sold to people who are dissatisfied, but who have no concept of the nature of tangible power. Counterinsurgency teams routinely monitor these activities, attend the meetings, join the groups and take on leadership roles in the organizations. It's only a matter of time before some individuals determine that political activism is a honeypot that accomplishes nothing and wastes their time. The corporate state knows that some small percentage of the peaceful, idealistic, political activists will eventually figure out the game. At this point, the clued-in activists will probably do one of two things; drop out or move to escalate the struggle in other ways. If the clued-in activist drops his or her political activities, the ACS wins. But what if the clued-in activist refuses to give up the struggle? Feeling powerless, desperation could set in and these individuals might become increasingly radicalized. Because the corporate state's counterinsurgency operatives have infiltrated most political activism groups, the radicalized members will be easily identified, monitored and eventually compromised/turned, arrested or executed. The ACS wins again.

Perm do the alt with every other gun – there’s no unique link as to why handguns are key for a cap revolution but handguns are uniquely key to IPV

Alt fails - vague utopian proposals create totalitarianism worse than cap. **Meltzer 09**

[Meltzer](http://public.tepper.cmu.edu/facultydirectory/FacultyDirectoryProfile.aspx?id=98" \t "_blank), 9 - Dr. Allan H. Meltzer, economist and professor of Political Economy at Carnegie Mellon University’s Tepper School of Business in Pittsburgh (The eighth lecture in the 2008-2009 Bradley Lecture series, 3/9/2009, “There is no better alternative than capitalism”, http://hiram7.wordpress.com/2009/03/12/there-is-no-better-alternative-than-capitalism/)

Critics of capitalism emphasize their dislike of greed and self-interest. They talk a great deal about social justice and fairness, but they do not propose an acceptable alternative to achieve their ends. The alternatives that have been tried are types of Socialism or Communism or other types of authoritarian rule. Anti-capitalist proposals suffer from two crippling drawbacks. First, they ignore the Kantian principle about human imperfection. Second, they ignore individual differences. In place of individual choice under capitalism, they substitute rigid direction done to achieve some proclaimed end such as equality, fairness, or justice. These ends are not precise and, most important, individuals differ about what is fair and just. In practice, the rulers’ choices are enforced, often using fear, terror, prison, or other punishment. The history of the twentieth century illustrates how enforcement of promised ends became the justification for deplorable means. And the ends were not realized. Transferring resource allocation decisions to government bureaus does not eliminate crime, greed, self-dealing, conflict of interest, and corruption. Experience tells us these problems remain. The form may change, but as Kant recognized, the problems continue. Ludwig von Mises recognized in the 1920s that fixing prices and planning resource use omitted an essential part of the allocation problem. Capitalism allocates by letting relative prices adjust to equal the tradeoffs expressed by buyers’ demands. Fixing prices eliminates the possibility of efficient allocation and replaces consumer choice with official decisions. Some gain, but others lose; the losers want to make choices other than those that are dictated to them. Not all Socialist societies have been brutal. In the nineteenth century, followers of Robert Owen, the Amana people, and many others chose a Socialist system. Israeli pioneers chose a collectivist system, the kibbutz. None of these arrangements produced sustainable growth. None survived. All faced the problem of imposing allocative decisions that satisfied the decision-making group, sometimes a majority, often not. Capitalism recognizes that where individual wants differ, the market responds to the mass; minorities are free to develop their favored outcome. Walk down the aisles of a modern supermarket. There are products that satisfy many different tastes or beliefs. Theodor Adorno was a leading critic of postwar capitalism as it developed in his native Germany, in Europe, and in the United States. He found the popular culture vulgar, and he distrusted the workers’ choices. He wanted a Socialism that he hoped would uphold the values he shared with other intellectuals. Capitalism, he said, valued work too highly and true leisure too little. He disliked jazz, so he was not opposed to Hitler’s ban in the 1930s. But Adorno offered no way of achieving the culture he desired other than to impose his tastes on others and ban all choices he disliked. This appealed to people who shared his view. Many preferred American pop culture whenever they had the right to choose. Capitalism permits choices and the freedom to make them. Some radio stations play jazz, some offer opera and symphonies, and many play pop music. Under capitalism, advertisers choose what they sponsor, and they sponsor programs that people choose to hear or watch. Under Socialism, the public watches and hears what someone chooses for them. The public had little choice. In Western Europe change did not come until boats outside territorial limits offered choice. The Templeton Foundation recently ran an advertisement reporting the answers several prominent intellectuals gave to the question: “Does the free market corrode moral character?” Several respondents recognized that free markets operate within a political system, a legal framework, and the rule of law. The slave trade and slavery became illegal in the nineteenth century. Before this a majority enslaved a minority. This is a major blot on the morality of democratic choice that public opinion and the law eventually removed. In the United States those who benefitted did not abandon slave owning until forced by a war. Most respondents to the Templeton question took a mixed stand. The philosopher John Gray recognized that greed and envy are driving forces under capitalism, but they often produce growth and raise living standards so that many benefit. But greed leads to outcomes like Enron and WorldCom that critics take as a characteristic of the system rather than as a characteristic of some individuals that remains under Socialism. Michael Walzer recognized that political activity also corrodes moral character, but he claimed it was regulated more effectively. One of the respondents discussed whether capitalism was more or less likely to foster or sustain moral abuses than other social arrangements. Bernard-Henri Levy maintained that alternatives to the market such as fascism and Communism were far worse. None of the respondents mentioned Kant’s view that mankind includes a range of individuals who differ in their moral character. Institutional and social arrangements like democracy and capitalism influence the moral choices individuals make or reject. No democratic capitalist country produced any crimes comparable to the murders committed by Hitler’s Germany, Mao’s China, or Lenin and Stalin’s Soviet Union. As Lord Acton warned, concentrated power corrupts officials. Some use concentrated power to impose their will. Some allow their comrades to act as tyrants. Others proclaim that ends such as equality justify force to control opposition. Communism proclaimed a vision of equality that it never approached. It was unattainable because individuals differ about what is good. And what is good to them and for them is not the same as what is socially desirable to critics of capitalism. Kant’s principle warns that utopian visions are unattainable. Capitalism does not offer a vision of perfection and harmony. Democratic capitalism combines freedom, opportunity, growth, and progress with restrictions on less desirable behavior. It creates societies that treat men and women as they are, not as in some utopian vision. In The Open Society and Its Enemies, Karl Popper showed why utopian visions become totalitarian. All deviations from the utopian ideal must be prevented.

### A2 Cap K – State Bad

Guns rights is a guise for capitalist individualism that makes resistance to oppression inevitable. DeBrabander 15

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015, CC

Rousseau and Tocqueville maintain that democracies, like all states, devolve through political concentration. Viewing the young American democracy, Tocqueville deduces that extreme individualism greases the wheels of this process. Materialism sharpens our individualism and makes us devoted to personal gain, as opposed to personal glory, which is more amenable to civic participation. Egalitarianism ironically urges us to dissociate from others, Tocqueville suggests; if my neighbors and compatriots are neither above me nor below me, what need do I have for them? In the ancien régime, people in different stations relied on one another, and the pieces of society fit together into a seamless whole. Not so in the new world: here, I may be self-determining and self-sufficient. Tocqueville offers a vision of aristocracy that is too rosy. He suggests that the masses should rely on the expertise of the nobility, who are bred and trained for leadership. But the American instinct to reject expertise and authority in favor of self-reliance is, for Tocqueville, at least equally disastrous. It is wonderful so long as it inspires the political attention and interest he witnessed in New England town meetings, but civic involvement is ultimately bound to lose out to capitalistic endeavors and the seductive joys of consumerism. Civic involvement has become a casualty in our own era, when we suffer from “time poverty,” as sociologist Juliet Schor put it: Americans put in long work days, combined with increasingly long commutes, and have little time or energy to interact with their peers, work for their communities, or even think much about politics. 88 This state of affairs is fueled by personal ambition, but also by plain greed. As Tocqueville presciently saw, Americans have little interest, and are left with little energy, to be political creatures, and to devote time to thoughtful and concerted political action and interaction. This fragmentation of society into atomistic individuals, each pursuing his or her own endeavor in isolation or in contention with others, renders us vulnerable and ripe for oppression: “What resistance can be offered to tyranny in a country where each individual is weak and where citizens are not united by any common interest?” 89 There is perhaps no individualism more extreme than that put forth by the contemporary gun rights movement. The NRA argues against the collective reading of the Second Amendment and insists instead upon the individual citizen’s right to amass a colossal private arsenal. The organization toils on behalf of individuals’ right to shoot intruders in their private abodes without accountability or social judgment. It works to ensure that individuals can act impulsively in private arguments, according to their personal whims, passions, and prejudices. It demands that they be permitted ammunition capable of piercing bulletproof vests worn by police. None of these advances a collective right or concern. It is to further the interests of each individual in being armed to the teeth, with whatever tools, for whatever purpose (provided it is within the law), and to have greater leeway in wielding and employing them. These arms represent a suspicion of the collective, and of the government that would represent the collective good. I argued in the previous chapter how these weapons are a mark of suspicion, and deepen the suspicion of the armed. A gun fundamentally severs its bearer from the community of his peers; it causes others to treat [them] him with trepidation and fear— if they approach him at all. As open carry proponents proudly assert, their weapons are intended to serve as a warning. Saul Cornell chides contemporary gun rights ideology for promoting gun ownership primarily as “a means for repulsing government or other citizens, not a means for creating a common civic culture.” 90 This, he argues, is at odds with the aims and intentions of our Founders. He believes they did envision an individual right to bear arms, but it was never meant to be a right in isolation. It was to be linked to a civic function and to collective obligation. Cornell writes, The original version of a well-regulated militia was premised on the notion that rights and obligations were inseparable. Arms bearing was a public activity, a way of nurturing and demonstrating one’s capacity for virtue. The militia was viewed by the Founders as a vital political and social institution, part of a seamless web that knit the locality, the state, and the national government together into a cohesive political community. 91 Cornell’s argument aptly depicts how the current gun rights movement undermines civic life. Gun rights, as they are currently conceived and championed by the NRA, are the ultimate go-it-alone rights. If our Founders felt that the Second Amendment would help oppose tyrannical government, it is reasonable to wonder how such opposition was ever to be mobilized. It could hardly happen in a nation of armed, isolated individuals, each in charge of a private arsenal. This purpose requires a trained, organized— regulated— force; it implies collective action, purpose, will, and commitment. George Washington grew tired of militias to the extent that they were loose collections of individuals. He wanted a fighting force with cohesion, identity, and organization because he was a warrior, and he knew what war— or the toppling of tyrannical regimes— required. The gun rights movement pits the individual against society. Collectives are suspect, groups weak, their members sheeplike, obedient, pliant, and ultimately subservient. Collectives breed collective behavior, which is reprehensible to the movement’s bold, assertive, fearless, and morally certain adherents. People mired in collective sensibilities wait for the police to bail them out of threatening situations. Free, confident, strong individuals go it alone. Collectives are corruptible, their members easy to manipulate and herd. Only the independent individual is pure and inviolate. Political freedom thus stems from the uncorrupted and incorruptible sovereign individual. To gun rights advocates, that is the center and foundation of liberty. This much is clear from the political vision put forth by Napolitano and LaPierre: the principal political battlefield, anticipated by the Founding Fathers who knew tyranny firsthand, is between the individual fighting to retain his sovereignty, and the collective that would strip it away. This stripping-away takes place through, among other things, government efforts to regulate guns, abetted by those who would cede their freedom for the short-term prospect of personal safety. In the process, such people unwittingly empower tyranny. Dan Baum writes Guns are the perfect stand-in for one of the fundamental, irresolvable, and recurring questions we face: to what extent should Americans live as a collective, or as a nation of rugged individuals? We have the same fight over health care, welfare, environmental regulations, and a hundred other issues. The firearm, though, is the ultimate emblem of individual sovereignty, so if you’re inclined in that direction, protecting gun rights is essential. And if you’re by nature a collectivist, the firearm is the abhorrent idol on the enemy’s altar. 92 Baum articulates the dichotomy aptly, at least as it is viewed by the gun rights movement. Tyranny has also been invoked in recent debates over health care and environmental regulation. It follows from, and is symptomatic of, collectivism and anything that points in that direction. The gun rights movement offers us radical individualism— the sovereign individual— as the requisite remedy. But its advocates do not perceive, or refuse to admit, how politically debilitating their agenda is. Contrary to what they assert, their sovereign individuals, even armed to the teeth, are no match for the brute power of tyrants. Instead, the NRA and company unwittingly assist tyrants with their (as Cornell puts it) radically “anti-civic vision.” 93 The gun rights movement undermines the collective or popular organization that alone might prove effective in countering a government bent on oppression.

Guns create an illusion of control and cede power to government. DeBrabander 15

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015 TF

Guns do little to protect our freedom in this respect. They are no remedy for the oppression that may be at hand. The surveillance state grows and compels whether we are armed or not. In fact, the gun rights movement inadvertently assists the surveillance state by urging adherents to beware government oppression in a wholly other form—a form in which oppression, in our time, is less likely to emerge. Greenwald says of the surveillance state, in an assessment that is eerily evocative of guns: “You can acculturate people to believing that tyranny is freedom, that their limits are actually emancipations and freedom, that is what this Surveillance State does, by training people to accept their own conformity that they are actually free, that they no longer even realize the ways in which they’re being limited.”64 Guns are likewise a cultural fixation that offers the illusion of freedom—and makes us vulnerable to manipulation, abuse, and oppression. They invite us to feel free and indomitable, while [hiding] blinding us to the ways in which we are limited and dominated. Accordingly, Machiavelli tells us, those in power are all too happy to see us armed. They nod their heads in approval when Cooke claims guns are the ultimate right of a free people—as LaPierre says, the true mark of liberty! Cooke and LaPierre fail to grasp that modern nation states do not need physical force to put us underfoot. They can achieve oppression in ways that cannot be opposed or hindered by mere guns.

Perm do both – and cross-apply Curry – AFF is a pre-req to the alt since people rise up against cap if they suffer material harms of IPV like poverty and depression – even if the AFF isn’t perfect it’s a necessary starting point – O’Doherty also means without stopping IPV we can’t have collective resistance that the alt requires

The aff abolishes private ownership which is capitalist **Christman 94**

Christman, John (1994). The Myth of Property: Toward an Egalitarian Theory of Ownership. Usa.[http://philpapers.org/rec/CHRTM](http://philpapers.org/rec/CHRTMO-6)

While the idea of liberal ownership per se may not be explicitly defended in many theoretical quarters these days (though it definitely is defended in some), it nevertheless occupies a central place in the general ideology of capitalist market societies. And like any kind of ideological tenet, its details are often not articulated in public discussion, or even in the minds of its adherents. **A dominant assumption in capitalist societies is that property owners are in some sense the sovereigns of what they own** (metaphors about homes and castles reflect this). And even if greater social needs, such as preventing starvation or aiding the disabled, override this sovereignty, they do so only after a fight. Owners of property always see taxation for these types of programs as an encroachment on their private domain, one which even if justified in the end, is an invasion nonetheless. **This** kind of thinking **is** also **linked centrally with the public-private distinction crucial to the** liberal (and **capitalist**) legal **order.** The government's power stops at the threshold of my home (or my car or my suitcase). **This presupposes that the** more or less full rights that I have over **my possessions are part of the sanctum of activity that the state has no business invading**, except perhaps for some tremendously weighty social goal. And **liberal ownership,** in this way of thinking, **would afford citizens the greatest possible range of** independence, **privacy**, and personal sovereignty **allowable in a social order.** A corollary to this view is the idea that the institutions of egalitarian economic policy, traditionally manifested in some manner of socialism, would entail the complete eradication of this sort of private control. Since ownership equals individual sovereignty, an economic policy that sees property as socially owned is then in direct conflict with this sovereignty. And all of the nightmares of central economic planning that were spawned by twentieth-century Eastern European socialism come rushing to mind.

***[A2 Root cause IPV/Sexism]***

This is repugnant – blaming IPV on large scale social factors like cap ensure individual abuser never take responsibility for their actions and blame it on the system so IPV is inevitable – we should recognize individual abusers are messed up, not scapegoat the problem

Calling cap the root cause of violence whitewashes culpability from abusers and reaffirms everyday acts of violence. **Kappeler 95**

Susanne Kappeler, Associate Prof @ Al-Akhawayn University, The Will to Violence: The Politics of Personal Behavior, 1995, pg. 6-7

This means engaging also with the discourses which construct violence as a phenomenon but obliterate the agent’s decision to violate. Our unwillingness to recognize the will of those who act violently as their will to act violently, our readiness to exonerate violent behaviour by means of spurious explanations, not only betrays our primary identification with the subjects of violence and our lack of solidarity with [survivors] the victims. It is itself an act of violence: the exercise of ideological violence, of the power of a discourse which legitimates violence, stigmatizes the victims, and treats people not as the agents of their own actions but as material for (‘our’) social policy. Ideology, however, is not just made by others; we are all of us subjects of ideology — as the producers of our own thinking and as the recipients of other people’s discourse — unless we resist such ideological struc­tures of thought and discourse in a continual critique of ideology itself. A decision to violate is not necessarily synonymous with a decision to be ‘bad’ or to commit an injustice. Rather, we have at our disposal structures of thought and argumentation which make such a decision appear rational, justified or even necessary. These structures of thought are deeply rooted in our everyday thinking: they are part of the dominant ideology. We use them in our daily decisions for action — actions which are not necessarily acts of bodily injury and murder, of arson and larceny, and which do not necessarily unleash a major war, but which none the less are acts of violence: violation of the rights and integrity of other people, violation of their dignity and personhood, suppression of their freedom of choice and their self-determination, acts of objectification and of exploitation at every conceivable level — in other words, war, on a small scale and against our nearest if not our dearest. What is remarkable is that this everyday behavior, in so far as it does not fall within the competence of criminal law, is hardly the subject of a serious theoretical discussion. Neither does it attract explicit legitimation; rather, the violence of everyday behavior draws its legitimacy from the ubiquity of such behavior in our society and the social consensus about it as relative ‘harmlessness’ compared with other, that is, recognized forms of violence. That is to say, everyday behavior takes its orientation from the tradition of social practice, reproducing itself through recourse to the status quo. It is so naturalized, in fact, that it is not violent action which attracts attention, but any resistance to it: leaving a violent relationship or situations of violence, resisting bullying, pressure and blackmail, refusing to fight back.

***[A2 ALT]***

Perm do the alt in every instance except the AFF – solves the residual links like EVERY OTHER GUN BESIDES HANDGUNS or the alt can’t solve anyway

The aff is a necessary middle step towards the alt – non-reformist reforms that work towards radical change are a necessary pre-requisite Wright 07

[Wright, Erik Olin (American analytical Marxist sociologist, specializing in social stratification, and in egalitarian alternative futures to capitalism. He was the 2012 President of the American Sociological Association). "Guidelines for envisioning real utopias." SOUNDINGS-LONDON-LAWRENCE AND WISHART- 36 (2007): 26]

The final guideline for discussions of envisioning real utopias concerns the importance of waystations. The central problem of envisioning real utopias concerns the viability of institutional alternatives that embody emancipatory values, but the practical achievability of such institutional designs often depends upon the existence of smaller steps, intermediate institutional innovations that move us in the right direction but only partially embody these values. Institutional proposals which have an all-or-nothing quality to them are less likely to be adopted in the first place, and may pose more difficult transition-cost problems if implemented. The catastrophic experience of Russia in the 'shock therapy' approach to market reform is historical testimony to this problem. Waystations are a difficult theoretical and practical problem because there are many instances in which partial reforms may have very different consequences than full-bodied changes. Consider the example of unconditional basic income. Suppose that a very limited, below, subsistence basic income was instituted: not enough to survive on, but a grant of income unconditionally given to everyone, One possibility is that this kind of basic income would act mainly as a subsidy to employers who pay very low wages, since now they could attract more workers even if they offered below poverty level earnings. There may be good reasons to iItitute such wage subsidies, but they would not generate the positive effects of a UBI, and therefore might not function as a stepping stone. What we ideally want, therefore, are intermediate reforms that have two main properties: first, they concretely demonstrate the virtues of the fuller programme of transformation, so they contribute to the ideological battle of convincing people that the alternative is credible and desirable; and second, they enhance the capacity for action of people, increasing their ability to push further in the future. Waystations that increase popular participation and bring people together in problem-solving deliberations for collective purposes are particularly salient in this regard. This is what in the 1970s was called ‘nonreformist reforms': reforms that are possible within existing institutions and that pragmatically solve real problems while at the same time empowering people in ways which enlarge their scope of action in the future.

1. Answers all of their links – the aff works within cap but resists its logic, which sets the stage for a full revolution
2. Terminal defense to the alt – their all-or-nothing demands inevitably fail while not addressing real-world harms
3. Answers de-radicalization – gradual transitions are the only way to get to the radical change the alt fails to achieve. Try or die for the perm

Individual criticism is capitalist – it stops collective resistance to oppression since we withdraw into ourselves

Implementable policy strategies are uniquely key for gender violence movements – we are flooded with critique but unable to implement solutions. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

Alt fails - vague utopian proposals create totalitarianism worse than cap. **Meltzer 09**

[Meltzer](http://public.tepper.cmu.edu/facultydirectory/FacultyDirectoryProfile.aspx?id=98" \t "_blank), 9 - Dr. Allan H. Meltzer, economist and professor of Political Economy at Carnegie Mellon University’s Tepper School of Business in Pittsburgh (The eighth lecture in the 2008-2009 Bradley Lecture series, 3/9/2009, “There is no better alternative than capitalism”, http://hiram7.wordpress.com/2009/03/12/there-is-no-better-alternative-than-capitalism/)

Critics of capitalism emphasize their dislike of greed and self-interest. They talk a great deal about social justice and fairness, but they do not propose an acceptable alternative to achieve their ends. The alternatives that have been tried are types of Socialism or Communism or other types of authoritarian rule. Anti-capitalist proposals suffer from two crippling drawbacks. First, they ignore the Kantian principle about human imperfection. Second, they ignore individual differences. In place of individual choice under capitalism, they substitute rigid direction done to achieve some proclaimed end such as equality, fairness, or justice. These ends are not precise and, most important, individuals differ about what is fair and just. In practice, the rulers’ choices are enforced, often using fear, terror, prison, or other punishment. The history of the twentieth century illustrates how enforcement of promised ends became the justification for deplorable means. And the ends were not realized. Transferring resource allocation decisions to government bureaus does not eliminate crime, greed, self-dealing, conflict of interest, and corruption. Experience tells us these problems remain. The form may change, but as Kant recognized, the problems continue. Ludwig von Mises recognized in the 1920s that fixing prices and planning resource use omitted an essential part of the allocation problem. Capitalism allocates by letting relative prices adjust to equal the tradeoffs expressed by buyers’ demands. Fixing prices eliminates the possibility of efficient allocation and replaces consumer choice with official decisions. Some gain, but others lose; the losers want to make choices other than those that are dictated to them. Not all Socialist societies have been brutal. In the nineteenth century, followers of Robert Owen, the Amana people, and many others chose a Socialist system. Israeli pioneers chose a collectivist system, the kibbutz. None of these arrangements produced sustainable growth. None survived. All faced the problem of imposing allocative decisions that satisfied the decision-making group, sometimes a majority, often not. Capitalism recognizes that where individual wants differ, the market responds to the mass; minorities are free to develop their favored outcome. Walk down the aisles of a modern supermarket. There are products that satisfy many different tastes or beliefs. Theodor Adorno was a leading critic of postwar capitalism as it developed in his native Germany, in Europe, and in the United States. He found the popular culture vulgar, and he distrusted the workers’ choices. He wanted a Socialism that he hoped would uphold the values he shared with other intellectuals. Capitalism, he said, valued work too highly and true leisure too little. He disliked jazz, so he was not opposed to Hitler’s ban in the 1930s. But Adorno offered no way of achieving the culture he desired other than to impose his tastes on others and ban all choices he disliked. This appealed to people who shared his view. Many preferred American pop culture whenever they had the right to choose. Capitalism permits choices and the freedom to make them. Some radio stations play jazz, some offer opera and symphonies, and many play pop music. Under capitalism, advertisers choose what they sponsor, and they sponsor programs that people choose to hear or watch. Under Socialism, the public watches and hears what someone chooses for them. The public had little choice. In Western Europe change did not come until boats outside territorial limits offered choice. The Templeton Foundation recently ran an advertisement reporting the answers several prominent intellectuals gave to the question: “Does the free market corrode moral character?” Several respondents recognized that free markets operate within a political system, a legal framework, and the rule of law. The slave trade and slavery became illegal in the nineteenth century. Before this a majority enslaved a minority. This is a major blot on the morality of democratic choice that public opinion and the law eventually removed. In the United States those who benefitted did not abandon slave owning until forced by a war. Most respondents to the Templeton question took a mixed stand. The philosopher John Gray recognized that greed and envy are driving forces under capitalism, but they often produce growth and raise living standards so that many benefit. But greed leads to outcomes like Enron and WorldCom that critics take as a characteristic of the system rather than as a characteristic of some individuals that remains under Socialism. Michael Walzer recognized that political activity also corrodes moral character, but he claimed it was regulated more effectively. One of the respondents discussed whether capitalism was more or less likely to foster or sustain moral abuses than other social arrangements. Bernard-Henri Levy maintained that alternatives to the market such as fascism and Communism were far worse. None of the respondents mentioned Kant’s view that mankind includes a range of individuals who differ in their moral character. Institutional and social arrangements like democracy and capitalism influence the moral choices individuals make or reject. No democratic capitalist country produced any crimes comparable to the murders committed by Hitler’s Germany, Mao’s China, or Lenin and Stalin’s Soviet Union. As Lord Acton warned, concentrated power corrupts officials. Some use concentrated power to impose their will. Some allow their comrades to act as tyrants. Others proclaim that ends such as equality justify force to control opposition. Communism proclaimed a vision of equality that it never approached. It was unattainable because individuals differ about what is good. And what is good to them and for them is not the same as what is socially desirable to critics of capitalism. Kant’s principle warns that utopian visions are unattainable. Capitalism does not offer a vision of perfection and harmony. Democratic capitalism combines freedom, opportunity, growth, and progress with restrictions on less desirable behavior. It creates societies that treat men and women as they are, not as in some utopian vision. In The Open Society and Its Enemies, Karl Popper showed why utopian visions become totalitarian. All deviations from the utopian ideal must be prevented.

***[A2 State Bad]***

Empirical claim without a warrant – the state has done good things like worker safety laws and environmental regulations that aren’t capitalist – Norway and Sweden

They cede the political leaving politics to the right wing which ensures more oppressive policies will recreate themselves, not be solved on their own

State and cap both inevitable – no society in the last 300 years has existed without either so after the alt they will reform

### A2 CLS K

Totalizing rejection of the law sacrifices immediate needs of those suffering – using the law for its strategic effects while recognizing its inherent limitations allows us to have short-term legal strategies that are not mutually exclusive with the alt – **Smith 13** explains in the context of colonialism

Smith, UC Riverside media and cultural studies professor, 2013

(Andrea, “The Moral Limits of the Law: Settler Colonialism and the Anti-Violence Movement”, Settler Colonial Studies, Taylor and Francis)

At the same time, violence against Native women is at epidemic rates. The 1999 Bureau of Justice Statistics report, American Indians and Crime, finds that sexual assault among Native Americans is 3.5 times higher than for all other races living in the US. Unlike other racial groupings, the majority of sexual assaults committed against Native American women are inter-racial.3 In particular, the majority of people who perpetrate sexual assault against Native women are white. Because of the complex jurisdictional issues involving tribal lands, the majority of sexual assaults against Native women are committed with impunity. Depending on the tribe, non-Native perpetrators of sexual assault on Indian reservations may fall out of state, federal and tribal jurisdiction. And tribes themselves have not developed effective means for addressing violence in their communities. The intersections of gender violence and colonialism in Native women’s lives force Native anti-violence advocates to operate through numerous contradictions. First, they must work within a federal justice system that is premised on the continued colonisation of Native nations. Second, they must work with tribal governments that often engage in gender oppressive practices. In addition, as Native studies scholar Jennifer Denetdale argues, many tribal governments act as neo-colonial formations that support tribal elites at the expense of the community.4 Third, they must also address women who need immediate services, even if those services may come from a colonising federal government or a tribal government that may perpetuate gender oppression. Given the logics of settler colonialism, it may seem to be a hopeless contradiction to work within the US legal system at all. In fact, many social justice advocates eschew engaging in legal reform for this reason. Consequently, we are often presented with two dichotomous choices: short-term legal reform that addresses immediate needs but further invests us in the current colonial system or long-term anti-colonial organising that attempts to avoid the political contradictions of short-term strategies but does not necessarily focus on immediate needs. This essay will explore possibilities for rethinking this dichotomous approach by rethinking the role of legal reform in general.The essay foregrounds alternative approaches using a Native feminist analytic towards engaging legal reform that may have a greater potential to undo the logics of settler colonialism from within. As I have argued elsewhere, Native feminism as well as Native studies is not limited in its object of analysis.5 Rather, in its interest in addressing the intersecting logics of heteropatriarchy and settler colonialism, it is free to engage with diverse materials. In looking then towards alternative strategies for undoing settler colonialism through the law, I contend that it is important to engage important work that might not seem to be directly about Native peoples or settler colonialism if this work helps provide new resources for how we could strategically engage the law. Consequently, I engage the work of legal scholars and activists that address very different areas of law as a means to challenge some of the current assumptions that undergird both reformist and revolutionary approaches to the law. DECOLONIAL REALISM Critical race theorist Derrick Bell challenged the presupposition of much racial justice legal reform strategies when he argued that racism is a permanent feature of society. While his work is generally cited as a critical race theoretical approach, I would contend that his work implicitly suggests a settler colonial framework for understanding legal reform. That is, many of the heirs of Derrick Bell do not follow the logical consequences of his work and argue for an approach to race and the law that seeks racial representation in the law.6 However, Bell’s analysis points to the inherent contradictions to such an approach. Rather than seeking representation, Bell calls on Black peoples to ‘acknowledge the permanence of our subordinate status’.7 Espousing the framework of ‘racial realism’, Bell disavows any possibility of ‘transcendent change’.8 To the contrary, he argues that ‘[i]t is time we concede that a commitment to racial equality merely perpetuates our disempowerment’.9 The alternative he advocates is resistance for its own sake – living ‘to harass white folks’ – or short-term pragmatic strategies that focus less on eliminating racism and more on simply ensuring that we do not ‘worsen conditions for those we are trying to help’.10 While Bell does not elaborate on what those strategies may be, he points to a different kind of reasoning that could be utilised for legal reform. In his famous story, ‘Space Traders’, aliens come to planet Earth promising to solve the world’s problems if world leaders will simply give up Black people to the aliens. This story narratively illustrates how thin white liberal commitments to social justice are. First, the white people of course do give up Black people to the aliens without much thought. But what more dramatically illustrates this point is that the reader knows that, almost without a doubt, if this were to happen in real life, of course Black people would be given up. Within this story, however, is a little-commented scene that speaks to perhaps a different way to approach legal reform within the context of white supremacy. Gleason Golightly, a conservative black economics professor who serves as an informal cabinet member for the President, becomes embroiled in a fight with the civil rights legal establishment about the best means to oppose the proposed trade. Golightly had previously pleaded with the President and his cabinet to reject it. When his pleas are not heard, he begins to reflect on how his support for conservative racial policies in the interests of attaining greater political power had been to no avail. He realises the strategy behind his appeal to the President was doomed to fail. In retrospect, though [his] arguments were based on morality […] [i]nstead of outsmarting them, Golightly had done what he so frequently criticised civil rights spokespersons for doing: he had tried to get whites to do right by black people because it was right that they do so. ‘Crazy!’ he commented when civil rights people did it. ‘Crazy!’ he mumbled to himself, at himself.11 Realising the error of his ways, Golightly interrupts this civil rights meeting in which activists plan to organise a moral crusade to convince white Americans to reject the space traders proposal. Instead, he suggests that they should tell white people that they cannot wait to go on the ship because they have learned they are being transported to a land of milk and honey. White people, argues Golightly, so oppose policies that benefit Black people, even if they benefit white people, that they will start litigating to stop the space traders’ proposed plan.12 The civil rights establishment rejects this strategy as a moral outrage and begins a racial justice campaign, ultimately to no avail. What this story troubles is social justice movements’ investment in the morality of the law. Despite the US legal system’s complicity in settler colonialism, patriarchy, capitalism and white supremacy since its inception, they advocate strategies for change that rest on the presupposition that the law can somehow be made to support the end of sexism, racism and classism. Historically, as more radical racial and social justice organisations were either crushed or co-opted by the US governments during the 1970s, these movements shifted from a focus on a radical restructuring of the political and economic system to a focus on articulating identity based claims that did not necessarily challenge the prevailing power structure.13 If groups were not going to directly challenge the state, they could then call on the state to recognise their claims to equality and redress from harms perpetrated by other social actors. Ironically, then, the same US government that codified slavery, segregation, anti-immigrant racism, and the genocide of indigenous peoples, now becomes the body that will protect people of colour from racism. The fact that the US itself could not exist without the past and continuing genocide of indigenous peoples in particular does not strike liberal legal reformists as a contradiction. Bell suggests that it may be possible to engage in legal reform in the midst of these contradictions if one foregoes the fantasy that the law is morally benevolent or even neutral. In doing so, more possibilities for strategic engagement emerge. For instance, in the ‘Racial Preference Licensing Act’, Bell suggests that rather than criminalise racial discrimination, the government should allow discrimination, but tax it. Taxes accrued from this discrimination would then go into an ‘equality’ fund that would support the educational and economic interests of African-Americans.14 As I have argued elsewhere, the law enforcement approach has been similarly limited in addressing the issues of gender violence when the majority of men do, or express willingness to engage in, it.15 As a result, criminalisation has not actually led to a decrease in violence against women.16 Anti-violence activists and scholars have widely critiqued the supposed efficacy of criminalisation.17 As I will discuss later in this essay, Native women in particular have struggled with the contradictions of engaging the legal system to address the legacies of colonial gender violence. While there is growing critique around criminalisation as the primary strategy for addressing gender violence, there has not been attention to what other frameworks could be utilised for addressing gender violence. In particular, what would happen if we pursued legal strategies based on their strategic effects rather than based on the moral statements they propose to make? DISTRUSTING THE LAW Aside from Derrick Bell, because racial and gender justice legal advocates are so invested in the morality of the law, there has not been sustained strategising on what other possible frameworks may be used. Bell provides some possibilities, but does not specifically engage alternative strategies in a sustained fashion. Thus, it may be helpful to look for new possibilities in an unexpected place, the work of anti-trust legal scholar Christopher Leslie. Again, the work of Leslie may seem quite remote from scholars and activists organizing against the logics of settler colonialism. But it may be the fact that Leslie is not directly engaging in social justice work that allows him to disinvest in the morality of the law in a manner which is often difficult for those who are directly engaged in social justice work to do. This disinvestment, I contend is critical for those who wish to dismantle settler colonialism to rethink their legal strategies. In ‘Trust, Distrust, and Anti-Trust’, Christopher Leslie explains that while the economic impact of cartels is incalculable, cartels are also unstable.18 Because cartel members cannot develop formal relationships with each other, they must develop partnerships based on informal trust mechanisms in order to overcome the famous ‘prisoners’ dilemma’. The prisoner’s dilemma, as described by Leslie, is one in which two prisoners are arrested and questioned separately with no opportunity for communication between them. There is enough evidence to convict both of minor crimes for a one year sentence but not enough for a more substantive sentence. The police offer both prisoners the following deal: if you confess and implicate your partner, and your partner does not confess, you will be set free and your partner will receive a ten-year sentence. If you confess, and he does as well, then you will both receive a five-year sentence. In this scenario, it becomes the rational choice for both to confess because if the first person does not confess and the second person does, the first person will receive a ten-year sentence. Ironically, however, while both will confess, it would have been in both of their interests not to confess. Similarly, Leslie argues, cartels face the prisoners’ dilemma. If all cartel members agree to fix a price, and abide by this price fixing, then all will benefit. However, individual cartel members are faced with the dilemma of whether or not they should join the cartel and then cheat by lowering prices. They fear that if they do not cheat, someone else will and drive them out of business. At the same time, by cheating, they disrupt the cartel that would have enabled them to all profit with higher prices. In addition, they face a second dilemma when faced with anti-trust legislation. Should they confess in exchange for immunity or take the chance that no one else will confess and implicate them? Cartel members can develop mechanisms to circumvent pressures. Such mechanisms include the development of personal relationships, frequent communication, goodwill gestures, etc. In the absence of trust, cartels may employ trust substitutes such as informal contracts and monitoring mechanisms. When these trust and trust substitute mechanisms break down, the cartel members will start to cheat, thus causing the cartel to disintegrate. Thus, Leslie proposes, anti-trust legislation should focus on laws that will strategically disrupt trust mechanisms. Unlike racial or gender justice advocates who focus on making moral statements through the law, Leslie proposes using the law for strategic ends, even if the law makes a morally suspect statement. For instance, in his article, ‘Anti-Trust Amnesty, Game Theory, and Cartel Stability’, Leslie critiques the federal Anti-Trust’s 1993 Corporate Lenience Policy that provided greater incentives for cartel partners to report on cartel activity. This policy provided ‘automatic’ amnesty for the first cartel member to confess, and decreasing leniency for subsequent confessors in the order to which they confessed. Leslie notes that this amnesty led to an increase of amnesty applications.19 However, Leslie notes that the effectiveness of this reform is hindered by the fact that the ringleader of the cartel is not eligible for amnesty. This policy seems morally sound. Why would we want the ringleader, the person who most profited from the cartel, to be eligible for amnesty? The problem, however, with attempting to make a moral statement through the law is that it is counter-productive if the goal is to actually break up cartels. If the ringleader is never eligible for amnesty, the ringleader becomes inherently trustworthy because he has no incentive to ever report on his partners. Through his inherent trustworthiness, the cartel can build its trust mechanisms. Thus, argues Leslie, the most effective way to destroy cartels is to render all members untrustworthy by granting all the possibility of immunity. While Leslie’s analysis is directed towards policy, it also suggests an alternative framework for pursuing social justice through the law, to employ it for its strategic effects rather than through the moral statements it purports to make. It is ironic that an anti-trust scholar such as Leslie displays less ‘trust’ in the law than do many anti-racist/anti-colonial activists and scholars who work through legal reform.20 It also indicates that it is possible to engage legal reform more strategically if one no longer trusts it. As Beth Richie notes, the anti-violence movement’s primary strategy for addressing gender violence was to articulate it as a crime.21 Because it is presumed that the best way to address a social ill is to call it a ‘crime’, this strategy is then deemed the correct moral strategy. When this strategy backfires and does not end violence, and in many cases increases violence against women, it becomes difficult to argue against this strategy because it has been articulated in moral terms. If, however, we were to focus on legal reforms chosen for their strategic effects, it would be easier to change the strategy should our calculus of its strategic effects suggest so. We would also be less complacent about the legal reforms we advocate as has happened with most of the laws that have been passed on gender violence. Advocates presume that because they helped pass a ‘moral’ law, then their job is done. If, however, the criteria for legal reforms are their strategic effects, we would then be continually monitoring the operation of these laws to see if they were having the desired effects. For instance, since the primary reason women do not leave battering relationships is because they do not have another home to go, what if our legal strategies shifted from criminalising domestic violence to advocating affordable housing? While the shift from criminalisation may seem immoral, women are often removed from public housing under one strike laws in which they lose access to public housing if a ‘crime’ (including domestic violence) happens in their residence, whether or not they are the perpetrator. If our goal was actually to keep women safe, we might need to creatively rethink what legal reforms would actually increase safety. REVOLUTIONARY REFORMS As mentioned previously, there has been insufficient evaluation of the strategic effects of legal strategies opposing gender violence. However, the work of Native anti-violence scholar and activist, Sarah Deer, points to possible new directions in engaging legal reform for the purpose of decolonisation. Deer notes that the issues of gender violence cannot be separated from the project of decolonisation. For instance, currently, tribal governments are restricted to sentencing tribal members to three years in tribal prison for even major crimes such as rape. Much of the focus of the anti-violence movement has been on increasing the number of years tribal governments can incarcerate members. Because of this effort, the Tribal Law and Order Act of 2010 increased the length of sentences from one to three years. However, Deer notes that prior to colonisation, violence against women was virtually unheard of, even though tribes did not have prisons.22 Instead, tribes utilised a number of social mechanisms to ensure safety for women and children, and none of these mechanisms are prohibited by federal legislation. Because the federal government restricts the amount of prison time allowed for sexual offenders, tribes primarily call on the federal government to expand tribes’ ability to incarcerate. However, as a variety of scholars have noted, expanded sentencing has not actually led to decreased violence.23 Thus, rather than focusing their attention simply on incarceration, Deer suggests that tribes look to pre-colonial measures for addressing violence and begin to adapt those for contemporary circumstances.24 At the same time, Deer notes that it is not necessarily a simple process to adapt pre-colonial measures for addressing violence. Unfortunately, many of the alternatives to incarceration that are promoted under the ‘restorative justice model’ have not developed sufficient safety mechanisms for survivors of domestic/sexual violence. ‘Restorative justice’ is an umbrella term that describes a wide range of programs that attempt to address crime from a restorative and reconciliatory rather than a punitive framework. As restorative justice frameworks involve all parties (perpetrators, victims, and community members) in determining the appropriate response to a crime in an effort to restore the community to wholeness, restorative justice is opposed to the US criminal justice system, which focuses solely on punishing the perpetrator and removing him (or her) from society through incarceration. These models are well developed in many Native communities, especially in Canada, where the legal status of Native nations allows an opportunity to develop community-based justice programs. In one program, for example, when a crime is reported, the working team that deals with sexual/domestic violence talks to the perpetrator and gives him the option of participating in the program. The perpetrator must first confess his guilt and then follow a healing contract, or go to jail. The perpetrator is free to decline to participate in the program and go through the criminal justice system. In the restorative justice model, everyone (victim, perpetrator, family, friends, and the working team) is involved in developing the healing contract. Everyone is also assigned an advocate through the process. Everyone is also responsible for holding the perpetrator accountable to his contract. One Tlingit man noted that this approach was often more difficult than going to jail: First one must deal with the shock and then the dismay on your neighbors faces. One must live with the daily humiliation, and at the same time seek forgiveness not just from victims, but from the community as a whole […]. [A prison sentence] removes the offender from the daily accountability, and may not do anything towards rehabilitation, and for many may actually be an easier disposition than staying in the community.25 These models have greater potential for dealing with crime effectively because, if we want people who perpetuate violence to live in society peaceably, it makes sense to develop justice models in which the community is involved in holding him/her accountable. Under the current incarceration model, perpetrators are taken away from their community and are further hindered from developing ethical relationships within a community context. However, the problem with these models is that they work only when the community unites in holding perpetrators accountable. In cases of sexual and domestic violence, the community often sides with the perpetrator rather than the victim. As Deer argues, in many Native communities, these models are often pushed on domestic violence survivors in order to pressure them to reconcile with their families and ‘restore’ the community without sufficient concern for their personal safety.26 In addition, Native advocates have sometime critiqued the uncritical use of ‘traditional’ forms of governance for addressing domestic violence. They argue that Native communities have been pressured to adopt circle sentencing because it is supposed to be an indigenous traditional practice. However, some advocates contend that there is no such traditional practice in their communities. Moreover, they are concerned that the process of diverting cases outside the court system can be dangerous for survivors. In one example, Bishop Hubert O’Connor (a white man) was found guilty of multiple cases of sexual abuse but his punishment under the restorative justice model was to participate in a healing circle with his victims. Because his crimes were against Aboriginal women, he was able to opt for an ‘Aboriginal approach’ – an approach, many argue, that did little to provide real healing for the survivors and accountability for the perpetrator. Deer complains that there is a tendency to romanticise and homogenise ‘traditional’ alternatives to incarceration. First, she notes traditional approaches might, in fact, be harsher than incarceration. Many Native people presume that traditional modes of justice focus on conflict resolution. In fact, Deer argues, penalties for societal infractions were not lenient – they entailed banishment, shaming, reparations, physical punishment and sometimes death. Deer notes that revising tribal codes by reincorporating traditional practices is not a simple process. It is sometimes difficult to determine what these practices were or how they could be made useful today. For example, some practices, such as banishment, would not have the same impact today. Prior to colonisation, Native communities were so close-knit and interdependent that banishment was often the equivalent of a death sentence. Today, however, banished perpetrators could simply leave home and join the dominant society. While tribes now have the opportunity to divest from the US colonial system, many Native women remain under violent attack. They may need to use the federal system until such time that more advanced decolonisation becomes possible. Thus Deer advocates a two-fold strategy: 1) The short-term strategy of holding the federal government accountable for prosecuting rape cases; and 2) encouraging tribes to hold perpetrators accountable directly so that they will eventually not need to rely on federal interference. This approach can be misread as a simple formula for reform. However, it is important to remember that the project of prison abolition is a positive rather than a negative project. The goal is not to tell survivors that they can never call the police or engage the criminal justice system. The question is not, should a survivor call the police? The question is: why have we given survivors no other option but to call the police? Deer is suggesting that it is not inconsistent to reform federal justice systems while at the same time building tribal infrastructures for accountability that will eventually replace the federal system. If we focus simply on community accountability without a larger critique of the state, we often fall back on framing community accountability as simply an add-on to the criminal justice system. Because anti-violence work has focused simply on advocacy, we have not developed strategies for ‘due process’, leaving that to the state. When our political imaginaries are captured by the state, we can then presume that the state should be left to administer ‘justice’ while communities will serve simply as a supplement to this regime. To do so, however, recapitulates the fundamental injustice of a settler state that is founded on slavery, genocide and the exploitation of immigrant labour. Further, we are unable to imagine new visions for liberatory nationhood that are not structured on hierarchical logics, violence and domination. We face a dilemma: on the one hand, the incarceration approach for addressing sexual/domestic violence promotes the repression of communities of colour without really providing safety for survivors. On the other hand, restorative justice models often promote community silence and denial under the rhetoric of community restoration without concern for the safety of survivors. Thus, our challenge is to develop community-based models that respond to gender violence in ways that hold perpetrators accountable. Unfortunately, in this discussion advocates often assume only two possibilities: the criminal justice system or restorative justice. When anyone finds faults with the restorative justice model, it is assumed that the traditional criminal justice approach must be the back-up strategy. Deer’s approach, by contrast, is to work with the criminal justice system while continuing to develop effective strategies for addressing violence. These will eventually eliminate the need to rely on the criminal justice system. Of course, the trap of pursuing reforms is that they can create investment in the current US legal system and detract from building new systems of governance that are not based on violence, domination and control. At the same time, we are not going to go from where we are now to revolution tomorrow. Thus, it becomes important to strategise around what may be called ‘revolutionary’ reforms. Other abolitionists have argued that the only reforms that should be supported are those that diminish the criminal justice apparatus. Other abolitions have argued that this approach leaves people vulnerable to the ‘crimes of the powerful’, such as rape and domestic violence.27 It is in this context that we can understand Deer’s current projects. She has worked on building tribal infrastructure by encouraging and assisting tribes to develop tribal civil protection orders. Her strategy is not so much based on the rationale that civil protection orders will in themselves provide protection for women. Rather, by developing these orders, tribes gain the practice of developing their own systems for addressing violence. Deer notes that this is one area that is not likely to be interfered with by the US federal government. At the same time, it is not an approach that is directly tied with investing tribes in the project of incarceration. Thus, it becomes a reform that tribal communities may adopt now as they develop creative responses for addressing violence. The reason for this suggested reform is that many tribal governments incorrectly think that the federal government is already adequately addressing gender violence and do not take initiative to address it themselves.28 In the end, the importance of Deer’s recommendation is not so much an investment in that particular strategy, but the manner in which it encourages us to think of short-term strategies that are not simply based on increased incarceration, strategies that will more likely fall under the federal radar screen so that tribal communities have more time to practice new ways of supporting accountability for violence. This will encourage communities to develop better decolonial practices in the future. As Deer notes, a ‘long-term vision for radical change requires both immediate measures to address sexual violence and a forward-looking effort to dismantle the culture of rape that has infiltrated tribal nations’.29 At the same time, many other Native activists are engaging community accountability strategies that do not work with the current system at all. These strategies are not broadly advertised because these activists do not want to gain the attention of federal authorities. Yet, many communities have developed informal strategies for addressing authorities. For instance, one man who assaulted a relative was banished from his community. As he was simply able to move to the city, tribal members would follow him to various work places, carrying signs that described him as a rapist. Again, this may be a strategy that we may or may not support. But the point is that it is important to engage the experimental and ‘jazzy’ approaches for developing community-based accountability strategies.30 In his recent book X-Marks, Scott Lyons engages with Native activists and scholars who call for decolonisation as a central focus for organising.31 Those who call for decolonisation often do not effectively engage in any short-term reformist strategy, even though they may save the lives of indigenous peoples who are currently under immediate attack. As a result, the immediate needs of people often get sacrificed in favour of articulating seemingly politically-pure ideals.Conversely, those who do engage in short-term reform strategies often decry the goal of decolonisation as ‘unrealistic’. In doing so, they do not critique the manner in which these strategies often retrench rather than challenge the colonial status quo. Lyons affirms the need for decolonisation, but notes that decolonization happens with pre-existing materials and institutions. He calls on Native peoples to think creatively about these institutions and about the ways in which they can be deployed not just for short-term gains but for a long-term vision of liberation. BEYOND SHAMING THE SYSTEM Legal reformists who often focus on shaping the law to reflect their moral values and those who focus on extra-legal revolutionary strategies often share the same goal. Often the presumed ‘radical’ strategy adopted by social justice groups is to engage in civil disobedience. While these groups ostensibly break the law, they often do so in rather ceremonial fashion; they essentially want to shame the system. People are supposed to get arrested, and those in power are supposed to be so shamed by the fact that an unjust system required people to break the law. The expectation is that they will then change the laws. Acts of civil disobedience often are not targeted toward changing a policy directly or building alternative systems to the current one. Many Native groups in the southwest US, however, have developed an alternative framework for extra-legal social change. Rather than breaking the law to change the system, they propose to make Native communities ungovernable. For instance, during the passage of SB1070, Native groups with the Taala Hooghan Infoshop, O’odham Solidarity Across Borders, and others occupied the Border Patrol Office.32 However, rather than engaging in the occupation with the expectation of getting arrested, they chained themselves to the building so that the office could not perform its work. This approach has continued with their efforts to stop the US government’s desecration of the San Francisco Peaks through the construction of a ski resort. While they have not eschewed legal strategies for stopping this desecration, they have focused on preventing tourists from visiting the area so that the ski resort will no longer be economically viable. According to their promotional material on TrueSnow.org: For the last decade defenders of the peaks have used every legitimate way they could think of to try to stop the US Forest Service from allowing treated sewage effluent to be sprayed on the Peaks to make snow. More than 20,000 people took part in the Forest Service Environmental Impact Statement process with letters and appeals asking them not to spray treated sewage effluent on the peaks to make snow. Thousands of us went to Flagstaff City Council meetings to voice our opposition to the sale of treated sewer water for the project. Yet still they approved it – before even an environmental impact statement was done. They were the most clueless of all. Currently the Hopi tribe is seeking lawsuit against the city because of this treated sewage effluent sale. A group of tribes and environmental and social justice organizations took a lawsuit all the way to the steps of the Supreme Court. The lawsuits have only called into question the legitimacy of what is loosely termed the ‘justice’ system. For it seems there is no justice in this system. It is just us, IN this system. There is also yet another lawsuit in play which I have termed ‘Save the Peaks Coalition vs The Snowbowl Movement’ which may have the possibility of stopping this project in the long term. But if we wait for a verdict, all the trees will be cut and the pipeline installed. This has not stopped the politically connected ski area from going ahead with their project right now and they have already clear-cut 100,000 trees (or more) and have already buried a few miles of pipeline along Snowbowl road. If they lose in court they would be expected to repair the damages. How do you get back 400 year old trees? Greed and hatred seems to be Snowbowl's only motivation […]. But isn't there some way to stop it? Well we could hit them where it hurts! In the pocketbook. If you live in the Fort Valley area of Flagstaff you must see by now how little Arizona Snowbowl really cares about the ‘economic benefits’ it brings our fair town. I know some of us had a good deal of trouble even going to work when the snow was good and Snowbowl was busy. The traffic jam was incredible. Stretching more than 15 miles. They took our livelihood away and hope to make that a daily occurrence by having a ‘predictable’ ski season using sewer water to make snow. This jam up gave us an idea! Why don't we do the same thing? Arizona Snowbowl does not own the mountain, and it is perfectly legal to drive up to the area for any permitted public lands use. This means hiking, camping, praying, skiing, sitting, loving, mushroom hunting, etc. So what do I do? It is time to stop waiting for a government entity, an environmental group, or any of the people you have come to expect to save the peaks for us. The time has come to show them how much power the people have! And believe me, you are the most powerful people in all of the world! You! Yep you! You can do it! All summer the Arizona Snowbowl is open Friday, Saturday, and Sunday for scenic skyrides, food, and alcohol. They do get a pretty good business up there and it would have an impact if the mountain was just ‘too busy’ with people doing all the other things our Public Forests are for. There is nothing illegal about it and it would send a clear message to the forest service that we don't need Snowbowl to ‘recreate on the mountain’. Heck, we don't even need a ski area up there to ski! In essence, take a vacation. Just do it up on the peaks and don't use Snowbowl. Our government officials are forgetting what ‘all power to the people’ really means. You cannot wait any longer for someone else to save the peaks for you. It will take of all us together to do this. So what are you waiting for? Pack a lunch this Saturday morning and Converge on the Peaks!33 What these activists suggest is to divest our moral investment in the law. This will affect not only what legal reforms we may pursue, but what revolutionary strategies we might engage in. Rather than engaging in civil disobedience to force legislators to change laws to conform to our moral principles, we might be free to engage creatively in strategies that build political and economic power directly. CONCLUSION In the debates prevalent within Native sovereignty and racial justice movements, we are often presented with two seemingly orthogonal positions – long-term revolutionary extra-legal movements or shortterm reformist legalist strategies. Short-term legal strategies are accused of investing activists within a white supremacist and settler colonial system that is incapable of significant change**.** Meanwhile, revolutionaries are accused of sacrificing the immediate needs of vulnerable populations for the sake of an endlessly deferred revolution. The reality of gender violence in Native communities highlights the untenability of these positions. Native women’s lives are at stake now – they cannot wait for the revolution to achieve some sort of safety. At the same time, the short-term strategies often adopted to address gender violence have often increased violence in Native women’s lives by buttressing the prison industrial complex and its violent logics. While this reformist versus revolutionary dichotomy suggests two radically different positions, in reality they share a common assumption: that the only way to pursue legal reform is to fight for laws that that reinforce the appropriate moral statement (for instance, that the only way to address violence against Native women is through the law and to make this violence a ‘crime’). Because the US legal system is inherently immoral and colonial, however, attempts to moralise the law generally fail. It is not surprising that the response to these failures is to simply give up on pursuing legal strategies. However, the works of Derrick Bell, Christopher Leslie, and Sarah Deer, while working in completely different areas of the law, point to a different approach.We can challenge the assumption that the law will reflect our morals and instead seek to use the law for its strategic effects. In doing so, we might advocate for laws that might in fact contradict some of our morals because we recognize that the law cannot mirror our morals anyway. We might then be free to engage in a relationship with the law which would free us to change our strategies as we assess its strategic effects. At the same time, by divesting from the morality of the law, we then will also simultaneously be free to invest in building our own forms of community accountability and justice outside the legal system. Our extra-legal strategies would go beyond ceremonial civil disobedience tactics designed to shame a system that is not capable of shame. Rather, we might focus on actually building the political power to create an alternative system to the heteropatriarchal, white supremacist, settler colonial state.

Perm do both – and cross-apply Mills – AFF is a pre-req to the alt since people can’t critique the law if they’re stuck in cycles of violence – even if the AFF isn’t perfect it’s a necessary starting point – O’Doherty also means without stopping IPV we can’t have collective resistance that the alt requires

Implementable policy strategies are uniquely key for gender violence movements – we are flooded with critique but unable to implement solutions. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

Perm do the alt in every instance except the AFF – residual links to the legal system from prisons, drugs, and every other policy means the alt solves for them and it solves the AFF or it can’t solve anything

Our model of engagement is effective and brings revolutionary change closer rather than pushing it away. **Delgado 9**

(Richard Delgado 9, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590)

2. The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat. The welfare family may hold a tenants‘ union meeting in their heated living room. CLS scholars‘ critique of piecemeal reform often misses these possibilities, and neglects the question of whether total change, when it comes, will be what we want. 3. CLS Idealism The CLS program is also idealistic. CLS scholars’ idealism transforms social reality into mental construct.“ Facts become intelligible only through the categories of thought that we bring to experience. Crits argue that the principal impediments to achieving an ideal society are intellectual. People are imprisoned by a destructive system of mental categories that blocks any vision of a better world." Liberal capitalist ideology so shackles individuals that they willingly accept a truncated existence and believe it to be the best available. Changing the world requires primarily that we begin to think about it differently.“ To help break the mental chains and clear the way for the creation of a new and better world, Crits practice "trashing"—a process by which law and social structures are shown to be contingent, inconsistent and irrationally supportive of the status qua without good reason. CLS scholars' idealism has a familiar ring to minority ears. We cannot help but be reminded of those fundamentalist preachers who have assured us that our lot will only improve once we "see the light" and are "saved."

The law is obviously problematic, but holding it accountable to its ideals is a better method for resistance than utopian trashing. **Crenshaw 88**

Crenshaw 88 (Kimberle, Law @ UCLA, “RACE, REFORM, AND RETRENCHMENT: TRANSFORMATION AND LEGITIMATION IN ANTIDISCRIMINATION LAW”, 101 Harv. L. Rev. 1331, lexis)

Questioning the Transformative View: Some Doubts About Trashing The Critics' product is of limited utility to Blacks in its present form. The implications for Blacks of trashing liberal legal ideology are troubling, even though it may be proper to assail belief structures that obscure liberating possibilities. Trashing legal ideology seems to tell us repeatedly what has already been established -- that legal discourse is unstable and relatively indeterminate. Furthermore, trashing offers no idea of how to avoid the negative consequences of engaging in reformist discourse or how to work around such consequences. Even if we imagine the wrong world when we think in terms of legal discourse, we must nevertheless exist in a present world where legal protection has at times been a blessing -- albeit a mixed one. The fundamental problem is that, although Critics criticize law because it functions to legitimate existing institutional arrangements, it is precisely this legitimating function that has made law receptive to certain demands in this area. The Critical emphasis on deconstruction as the vehicle for liberation leads to the conclusion that engaging in legal discourse should be avoided because it reinforces not only the discourse itself but also the society and the world that it embodies. Yet Critics offer little beyond this observation. Their focus on delegitimating rights rhetoric seems to suggest that, once rights rhetoric has been discarded, there exists a more productive strategy for change, one which does not reinforce existing patterns of domination. Unfortunately, no such strategy has yet been articulated, and it is difficult to imagine that racial minorities will ever be able to discover one. As Frances Fox Piven and Richard Cloward point out in their [\*1367] excellent account of the civil rights movement, popular struggles are a reflection of institutionally determined logic and a challenge to that logic. 137 People can only demand change in ways that reflect the logic of the institutions that they are challenging. 138 Demands for change that do not reflect the institutional logic -- that is, demands that do not engage and subsequently reinforce the dominant ideology -- will probably be ineffective. 139 The possibility for ideological change is created through the very process of legitimation, which is triggered by crisis. Powerless people can sometimes trigger such a crisis by challenging an institution internally, that is, by using its own logic against it. 140 Such crisis occurs when powerless people force open and politicize a contradiction between the dominant ideology and their reality. The political consequences [\*1368] of maintaining the contradictions may sometimes force an adjustment -- an attempt to close the gap or to make things appear fair. 141 Yet, because the adjustment is triggered by the political consequences of the contradiction, circumstances will be adjusted only to the extent necessary to close the apparent contradiction. This approach to understanding legitimation and change is applicable to the civil rights movement. Because Blacks were challenging their exclusion from political society, the only claims that were likely to achieve recognition were those that reflected American society's institutional logic: legal rights ideology. Articulating their formal demands through legal rights ideology, civil rights protestors exposed a series of contradictions -- the most important being the promised privileges of American citizenship and the practice of absolute racial subordination. Rather than using the contradictions to suggest that American citizenship was itself illegitimate or false, civil rights protestors proceeded as if American citizenship were real, and demanded to exercise the “rights” that citizenship entailed. By seeking to restructure reality to reflect American mythology, Blacks relied upon and ultimately benefited from politically inspired efforts to resolve the contradictions by granting formal rights. Although it is the need to maintain legitimacy that presents powerless groups with the opportunity to wrest concessions from the dominant order, it is the very accomplishment of legitimacy that forecloses greater possibilities. In sum, the potential for change is both created and limited by legitimation.

Pure resistance entrenches the status quo---must be willing to propose imperfect reforms. **Pyle 99**

(Jefferey, Boston College Law School, J.D., magna cum laude Race, Equality and the Rule of Law: Critical Race Theory's Attack on the Promises of Liberalism, 40 B.C.L. Rev. 787)

For all their talk of "realism,"'" race-crits are strangely unrealistic in their proposals for reform. 1 m7 Most probably realize that radical measures like racial or ethnic reparations are not likely to be granted, especially by a court. But even unrealistic proposals are rare, because race-crits generally prefer not to suggest solutions, but to "resist" the dominant legal thought, doctrine and policy, whatever that happens to be.'" As Derrick Bell has put it, "most critical race theorists are committed to a program of scholarly resistance, and most hope scholarly resistance will lay the groundwork for wide-scale resistance."'" How this ivory tower oppositionalism would foment grassroots revolt is unclear, because CRT professors rarely suggest anything practical. Rather, their exhortations are meant, as Bell says, to "harass white folks" and • thereby "make life bearable in a society where blacks are a permanent, subordinate class."'" One of the race-erns' few practical programs of "resistance" is Paul Butler's proposal that inner-city juries practice racially-based jury nullification.'91 jurors of color, Butler argues, have the "moral responsibility" not to apply the criminal law to blacks and whites equally, but to "etnancipate some guilty black outlaws" because "the black community" would be "better off" if there were fewer black men in prison.'" If enough juries were hung or not-guilty verdicts rendered, he imagines, the white-dominated government would change its excessive reliance on incarceration.'" Butler rejects the ordinary democratic process of legal reform.' Democracy, he says, ensures a "permanent, homogenous majority" of whites that "dominat[es]" African Ainericans.w5 Butler is probably correct that occasional acts of jury nullification might well express the resentment that many African Americans justifiably feel towards discriminatory law enforcement.'"`' As Randall Kennedy has pointed out, however, black Americans are disproportionately the victims of crimes,'97 and therefore tend to favor more, not less, criminal prosecution and punishment. 1 "8 The race-crits' preference for "resistance"'99 over democratic participation seems to flow from a fear of losing their status as "oppositional scholars] "200 to the game of mainstream law and politics, which they regard as "an inevitably co-optive process?"' Better to be radically opposed to the "doniinant political discourse""2 and remain an out than to work within the current system and lose one's "authenticity?" In rejecting the realistic for the "authentic," however, race-crits begin to look like academic poseurs—ideological purists striking the correct radical stance, but doing little within the confines of the real world, so sure are they that nothing much can be done."

Even if the law is problematic, that’s not a reason to reject it – that only causes nihilistic violence and conservative cooption – legal reasoning is key to constrain violence. **Ristroph 9**

Ristroph 9 (Associate Professor of Law, Seton Hall University School of Law, Alice, “Is Law? Constitutional Crisis and Existential Anxiety,” Constitutional Commentary Vol. 25, 431-459. <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1457&context=facpub>)

One reason to care whether law is in “crisis” concerns our own expectations of the function of law. A possible achievement is to offer an alternative to violence—as we saw in Levinson and Balkin’s account of the Constitution as enabling nonviolent dispute resolution.66 This might be called the anti-Thrasymachus view of law. Early in Plato’s Republic (before Socrates has tamed him), a young man called Thrasymachus describes justice as “the advantage of the stronger.”67 The claim is that might makes right, and Western political and legal thought has produced many efforts to prove Thrasymachus and his heirs wrong. If law distinguishes right from might, then it becomes important to say what law is, and to show that it exists. Hence, many ongoing jurisprudential debates about the criteria for a valid and functional system of law (including worries about legal indeterminancy) are motivated by worries about arbitrary power and violence.68 To show Thrasymachus to be mistaken, we want to show that the rule of law is really different from the rule of (the strongest) men. In legal theory, we could view John Austin’s positivism— law as commands backed by threats of punishment—as a descendant of Thrasymachus’s claim.69 Here, I want to examine briefly one of the most influential, and most plausible, efforts to show that law is something more and different from the commands of a gunman: H. L. A. Hart’s response to Austin. Hart framed his discussion around the question, “What is law?”.70 But perhaps, as the Stoppard passage that opened this essay suggests, beginning with this question led us to conjure an image of law with various predicates that do not, as it turns out, include existence. A second form of existential anxiety, one that I suspect shapes present talk of crisis, is the anxiety thast Thrasymachus and Austin were right and law, if it is anything more than command and force, does not exist. For my purposes here, the critical features of Hart’s account are the rule of recognition and the internal point of view. Since, in most of The Concept of Law, Hart takes law’s existence for granted, it is helpful to look at the passages where law’s existence, or at least the existence of a particular form of law, is up for grabs. In his classic discussion of the question, “Is international law really law?”, H. L. A. Hart deployed the concepts of a rule of recognition and the internal point of view to conclude that international law was at most in a state of transition toward fully legal law, moving toward law properly so called but certainly not yet there.71 At the time he wrote The Concept of Law, Hart believed that international law departed from domestic (or “municipal”) law in that it lacked a widely accepted rule of recognition and in that states could not be said to take the internal point of view toward international obligations. (Hart’s argument has been challenged by many contemporary scholars of international law, but that particular dispute need not occupy us here.72) For law qua law to exist, Hart argued, there must be a rule of recognition under which the authoritative status of other rules was accepted or denied, and the officials who would apply the rule of recognition must themselves take the internal point of view toward it. That is, the officials needed to view the rule of recognition as a binding, authoritative guide to their own decisions. Suppose Hart was right and the rule of recognition and the internal point of view are conditions for the existence of law. Two questions arise: what is the rule of recognition for constitutional law, and who must hold the internal standpoint toward that rule? The Constitution itself initially seems a candidate for the rule of recognition, though the fact that the Constitution must itself be interpreted leads some theorists to amend this account and say that the rule of recognition must include authoritative statements of the meaning of the Constitution, under prevailing interpretive standards.73 As for the internal point of view, we might hope that all state officials would take this point of view toward constitutional rules.74 In other words, we might hope that every state actor would comply with the U.S. Constitution because it is the Constitution, not simply to avoid injunctions, or judicial invalidation of legislative action, or liability under 42 U.S.C. § 1983. But Hart’s theory does not demand universal adherence to an internal point of view. Even if legislators and other public officials complied with First or Fourth or Fourteenth Amendment doctrine only to avoid invalidation or § 1983 liability —even if these public officials were the equivalent of Holmes’s bad man—Hart might find that constitutional law still existed in a meaningful sense so long as the judges applying constitutional rules believed themselves to be bound by a constitutional rule of recognition.75 Here is a possibility, one I believe we must take seriously and one that prompts anxiety about the existence of constitutional law itself: there is no common rule of recognition toward which judges and other officials take an internal point of view.76 Individual judges may adhere to their particular understandings of the rule of recognition —the Constitution as interpreted by proper originalist methods, for example, or the Constitution as elucidated by popular understandings. But the fact that individual state actors follow their own rules of recognition in good faith does not satisfy Hart’s account of law, and it does not provide a satisfying alternative to Thrasymachus. (There is no reason, on the might-makes-right account, that the mighty cannot hold the good faith belief that they are pursuing a common good or acting pursuant to rule-governed authority. What matters is that their power is in fact traceable to their superior strength.) There is reason for academic observers to doubt the existence of a single rule of recognition in American constitutional law. There are too many core interpretive disputes, as discussed in Part I, and it is now widely accepted that constitutional rules are at least underdeterminatc. Should there be doubt about this claim, consider this feature of constitutional law textbooks: they include majority and dissenting opinions, and questions after each case frequently ask the reader which opinion was more persuasive. Those questions are not posed as rhetorical. For most constitutional decisions, we can say, it could have been otherwise. With a few votes switched, with a different line-up of Justices, the same precedents (and in some cases, the same interpretive methodology) could have produced a different outcome. Moreover, these suspicions of indeterminancy or underdetermi-nancy are not the unique province of the academy. Think of the discussions of Supreme Court appointments in presidential elections. Many voters, law professors or not, understand their vote for president to be also a vote for a certain kind of Justice and for certain kinds of constitutional outcomes. Discussions of Supreme Court appointments are often framed in terms of judicial methodology —”I will appoint judges who are faithful to the text of the Constitution” —but that language may be more a matter of decorum than of real constitutional faith. Judges, of course, are not ignorant of the charges of indeterminancy or of the politicization of judicial appointments. And it seems possible that the erosion of constitutional faith has reached the judiciary itself.771 claim no special insight into judicial psychology, but it seems implausible that the reasons for constitutional skepticism—the discussions of underdetermined rules, the contingency of outcomes based on 5-4 votes, and the great attention to swing justices such as Sandra Day O’Connor or Anthony Kennedy—have not influenced judges themselves. Here again it seems worthwhile to consider dissenting opinions. Justice Scalia’s polemics come to mind immediately; he has often accused his colleagues of acting lawlessly.78 Yet he keeps his post and continues to participate in a system that treats as law the determinations of five (potentially lawless) Justices. It is possible, I suppose, that Justice Scalia’s dissents express earnest outrage, that he is shocked (shocked) by decisions like Lawrence v. Texas79 and Boumediene. It is possible that he believes himself to be the last best hope of constitutional law properly so called. But it seems more likely that he shares the skepticism of academic observers of the Court. Though one can’t help but wonder whether judges are still constitutionally devout, I should emphasize here that my argument does not turn on a claim that judges are acting in good or bad faith. Individual judges may well take the internal point of view, in Hart’s terms, and strive faithfully to apply the principles they recognize as law. But it seems clear that American judges do not all hold the internal point of view toward a single, shared rule of recognition, given the nature of disagreements among judges themselves. If there are multiple rules of recognition, varying from judge to judge, then legal outcomes will depend on which judge is empowered to make the critical decision, and Thrasymachus is not so far off the mark. Contemporary judicial disagreement is profound, and it is not just a matter of Justice Scalia’s flair for colorful rhetoric. Consider Scott v. Harris, the recent decision granting summary judgment (on the basis of qualified immunity) to a police officer who had rammed a passenger car during a high-speed chase, causing an accident that left the driver a quadriplegic.80 Like most use-of-force opinions, the decision applies a deferential Fourth Amendment standard that gives police officers wide leeway. What is unusual about Harris is that, because the case arose as a civil suit under 42 U.S.C. § 1983, the critical question (whether the driver, Victor Harris, posed a sufficient threat to others’ bodily safety such that the use of deadly force was reasonable) was nominally a jury question, and at summary judgment, the court should have taken the facts in the light most favorable to the non-moving party—the injured driver. Thus, in earlier use-of-force cases that reached the Court as § 1983 claims, the Court articulated the Fourth Amendment standard and then remanded the case to the trial court.81 But in Harris, the Court had access to videotapes of the chase recorded by cameras on the dashboards of the police vehicles involved.82 In the view of the eight-Justice majority, the videotape “spoke for itself”: it made Harris’s threat to the public so clear that no reasonable juror could conclude that the officer’s use of force was unreasonable.83 Accordingly, the Supreme Court found the officer to be entitled to summary judgment.84 Doubtless there are many instances in which a court grants summary judgment to one party though non-judicial observers believe a reasonable juror could find for the other party. Harris is of particular interest, though, because the “reasonable juror” who might have found in favor of Victor Harris was clearly visible to the majority—in fact, this juror had a spokesman on the Court. Justice Stevens, the lone dissenter in Scott v. Harris, viewed the same videotape and found it to confirm the factual findings of the district court (which had denied the police offic-er’s motion for summary judgment).85 Though Justice Stevens was careful not to base his argument on an actual determination of the substantive Fourth Amendment question (chiding his colleagues for doing just that and thereby acting as “jurors” rather than judges),86 he viewed the video evidence and explained how one might conclude, perfectly reasonably, that Scott had used excessive force.87 In order for the eight Justices in the Harris majority to believe their own opinion, they would have to conclude that Justice Stevens lived outside the realm of reason. Harris is nominally a dispute about what reasonable jurors could conclude, rather than a direct argument about the meaning of a particular constitutional provision. But the two reactions to the videotape should call to mind Larry Tribe’s worry that American constitutional law is plagued by “deep and thus far intractable divisions between wholly different ways of assessing truth and experiencing reality.”88 It is not just abortion and assisted suicide that reveal profound disagreement about what is true and real. A videotape that “speaks for itself’ in the eyes of eight Justices says something entirely different to the ninth. Looking beyond the judiciary, consider the consequences of constitutional disagreement and constitutional indeterminancy for other government officials and for would-be critics of those officials. Earlier I noted that with sufficient constitutional indeterminancy, there’s no such thing as an unconstitutional president. A more extreme version of this argument is that with sufficient legal indeterminancy, there’s no such thing as illegality. When John Yoo wrote the Office of Legal Counsel memos that defend practices formerly known as torture, he was simply doing to bans on torture what critics had long argued it was possible to do for any law: he was trashing them.89 This was the spawn of CLS put to work in the OLC; deconstructions on the left are now deconstructions on the right.90 And that, of course, is cause for anxiety among those who would like to argue that George W. Bush or members of his administration acted illegally. As I suggested in the Introduction, this may be the Pyrrhic victory of critical legal studies: If the crits were correct, then there is no distinctively legal form of critique. About torture, indefinite detention, warrantless wiretapping, and so on, we can say I don't like it or it doesn’t correspond to my vision of the good, but we cannot say it’s illegal. To argue that the Bush administration violated the rule of law, we need to believe that the rule of law exists. But for 30 years or more, we have found reasons to doubt that it does.91 Perhaps it will seem that I am overstating the influence of legal realism and critical legal studies, or the doubts about law’s existence. I’m willing to entertain those possibilities, but I do want to emphasize that the focus is on constitutional law. It’s easy enough to believe in law when we see it applied and enforced by figures of authority in a recognized hierarchy. That is, the sentencing judge or the prison warden can believe in law—he has applied it himself. And the criminal should believe in law— he has felt its force. But these examples illustrate Austinian law: commands backed by force. What remains elusive, on my account, are laws that are truly laws given to oneself, and especially law given by a state to itself.92 That is why, in Part I of this essay, I suggested that brute force is a poor candidate to distinguish ordinary politics, or ordinary legal decisions, from extraordinary moments of crisis. What would be truly extraordinary is not the use of force, but its absence: a system of law truly based on consent and independent of sanction. The Constitution, in theory, is a law given unto oneself. By this I mean not simply that the Founders gave the Constitution to future generations, but that each successive generation must give the Constitution to itself: each generation must adopt the internal point of view toward the Constitution in order for it to be effective. Even once we have accepted the written text as authoritative, all but the strictest constructionists acknowledge that many meanings can plausibly be extracted from that text. (And even the strict constructionists must acknowledge that as a factual matter many meanings have been extracted; they deny only the plausibility of those varied readings.) Any law given unto oneself requires what Hart called the internal point of view, and what one more cynical might describe as self-delusion: it requires a belief that one is bound though one could at any minute walk away. It is possible, I think, that we have outwitted the Constitution: that we have become too clever, too quick to notice indeterminancy, even too post-modern to believe ourselves bound. A third possible explanation for contemporary references to crisis is professional malaise. It could be, as I suggested earlier, that after too many years of chewing what judges had for breakfast, professors have lost their appetites. It could be that the problems of originalists and historicists and popular constitutionalists don’t amount to a hill of beans in this crazy world. And if these possibilities have not crossed the law professor’s mind, they probably should. We might consider again Larry Tribe’s explanation of his decision to stop work on his treatise of American constitutional law. There are two questions of meaning there, one of which Tribe confronts directly and the other which he brushes off quickly. Most obviously, there is the search for constitutional meaning, as Tribe acknowledges, a search that cannot be concluded within the Constitution’s own text. “I see no escape from adopting some perspective... external to the constitution itself from which to decide questions not indisputably resolved one way or the other by the text and structure--------”9\* Tribe goes on to wonder where these extra-constitutional criteria come from, and “who ratified the meta-constitution that such external criteria would comprise?”.94 Supreme Court Justices (and other judges) must struggle with these questions, given “the public authority that they have the enormous responsibility and privilege to wield.”95 But Tribe need not. He can simply decline to finish the treatise. If he declines to finish the treatise, though, we can’t help asking ourselves what was at stake, and what remains at stake. If the law professor lacks the responsibility of a judge, is his constitutional theory just an amusing hobby? What was the point of the constitutional law treatise, or of other efforts to discern coherent principles of constitutional law? The significance of a treatise is the question of meaning that Tribe brushes off quickly: he says a treatise is an “attempt at a synthesis of some enduring value” and insists that his decision is not based on doubts about whether constitutional treatises arc ever worthwhile.96 But Tribe’s letter leaves the “enduring value” of a treatise rather underspecified, and it is possible that current references to constitutional crisis in the academy stem from uncertainty about such questions of value. Is constitutional theory good for absolutely nothing? Only if we believe that the effort to resist Thrasymachus is futile or pointless. Constitutional theory is a species of legal and political theory, and the most intriguing forms of such theory are produced by worries that law and violence are too closely intertwined.97 Thus I suggested at the outset of this essay that existential anxiety is not always to be regretted, cured, or mocked. Such anxiety may be an important indication that we have noticed the ways in which Thrasymachus seems right, and we still care enough to try to prove him wrong.98 After so much talk of crisis and anxiety, consider an illustration from the dramatic genre. Tom Stoppard’s play Jumpers features a troupe of philosophy professors who double as acrobats: “Logical positivists, mainly, with a linguistic analyst or two, a couple of Benthamite utilitarians ... lapsed Kantians and empiricists generally... and of course the usual Behaviorists... a mixture of the more philosophical members of the university gymnastics team and the more gymnastic members of the Philosophy School.”99 The Jumpers seem to practice what we would now identify as post-modern nihilism**:** One shoots and kills another, then conceals the murder with cheerful aplomb. Against these intellectually and physically adroit colleagues, the clumsy and old-fashioned Professor George Moore struggles to defend “the irreducible fact of goodness,”100 the possibility of a “moral conscience,” and the claim that “there is more in me than meets the microscope.”101 “Is God?” Moore wonders. He can neither shake nor defend his faith. Law schools, I think, are filled with moral sympathizers to Professor Moore who possess the skills of modern-day Jumpers.102 The current discourse of crisis is the latest manifestation of an old struggle between faith and doubt, and it is not one that we will resolve. On one hand, we have observed too much to believe (in law) unquestioningly. And on the other hand, we are determined to have law, even if we must make it ourselves. There was at least a smidgen of truth in John Finnis’s claim that scholars of critical legal studies were “disappointed ... absolutists.”103 But it is not just crits that are disappointed when they look for law and see nothing. Few scholars of any stripe want to vindicate Thrasymachus. All of this is just to reiterate the difficulty, and perhaps the necessity, of giving a law unto oneself. If constitutional law did not exist, it would be necessary to invent it.

### A2 Curry K

1. Perm do both – reject white potentiality and enact a handgun ban – curry agrees we can’t just have a theoretical approach – need to combine action of a handgun ban with general theory to address oppression – that’s **Curry 14**

Their offense begs the question – all our empirics prove even if state is generally bad it’s *uniquely* good in the context of a handgun ban

Also proves we don’t link – Curry critiques abstract, top-down ethics that apply universal principles – we literally don’t have a framework, all our offense is about material conditions

2. We need to embrace the state as a heuristic – Zanotti proves absent discussion of government the only people who know how it operates are elites who want to maintain power – learning power to rework it is the best approach

3. Our method solves better than their alt and makes us better at resisting the state – their method oversimplifies power relations and links to their critique. **Zanotti 14**

Dr. Laura Zanotti is an Associate Professor of Political Science at Virginia Tech. Her research and teaching include critical political theory as well as international organizations, UN peacekeeping, democratization and the role of NGOs in post-conflict governance.“Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World” – Alternatives: Global, Local, Political – vol 38(4):p. 288-304,. A little unclear if this is late 2013 or early 2014 – The Stated “Version of Record” is Feb 20, 2014, but was originally published online on December 30th, 2013. Obtained via Sage Database.

While there are important variations in the way international relations scholars use governmentality theory, for the purpose of my argument I identify two broad trajectories.2 One body of scholarship uses governmentality as a heuristic tool to explore modalities of local and international government and to assess their effects in the contexts where they are deployed; the other adopts this notion as a descriptive tool to theorize the globally oppressive features of international liberalism. Scholars who use governmentality as a heuristic tool tend to conduct inquiries based upon analyses of practices of government and resistance. These scholars rely on ethnographic inquiries, emphasizes the multifarious ways government works in practice (to include its oppressive trajectories) and the ways uneven interactions of governmental strategies and resistance are contingently enacted. As examples, Didier Bigo, building upon Pierre Bourdieu, has encouraged a research methodology that privileges a relational approach and focuses on practice;3 William Walters has advocated considering governmentality as a research program rather than as a ‘‘depiction of discrete systems of power;’’4 and Michael Merlingen has criticized the downplaying of resistance and the use of ‘‘governmentality’’ as interchangeable with liberalism.5 Many other scholars have engaged in contextualized analyses of governmental tactics and resistance. Oded Lowenheim has shown how ‘‘responsibilization’’ has become an instrument for governing individual travelers through ‘‘travel warnings’’ as well as for ‘‘developing states’’ through performance indicators;6 Wendy Larner and William Walters have questioned accounts of globalization as an ontological dimension of the present and advocated less substantialized accounts that focus on studying the discourses, processes and practices through which globalization is made as a space and a political economy;7 Ronnie D. Lipschutz and James K. Rowe have looked at how localized practices of resistance may engage and transform power relations;8 and in my own work, I have studied the deployment of disciplinary and governmental tools for reforming governments in peacekeeping operations and how these practices were hijacked and resisted and by their targets. Scholars who use governmentality as a descriptive tool focus instead on one particular trajectory of global liberalism, that is on the convergence of knowledge and scrutiny of life processes (or biopolitics) and violence and theorize global liberalism as an extremely effective formation, a coherent and powerful Leviathan, where biopolitical tools and violence come together to serve dominant classes or states’ political agendas. As I will show, Giorgio Agamben, Michael Hardt and Antonio Negri, and Sergei Prozorov tend to embrace this position.10 The distinction between governmentality as a heuristic and governmentality as a descriptive tool is central for debating political agency. I argue that, notwithstanding their critique of liberalism, scholars who use governmentality as a descriptive tool rely on the same ontological assumptions as the liberal order they criticize and do move away from Foucault’s focus on historical practices in order to privilege abstract theorizations. By using governmentality as a description of ‘‘liberalism’’ or ‘‘capitalism’’ instead of as a methodology of inquiry on power’s contingent modalities and technologies, these scholars tend to reify a substantialist ontology that ultimately reinforces a liberal conceptualization of subjects and power as standing in a relation of externality and stifles the possibility of reimagining political agency on different grounds. ‘‘Descriptive governmentality’’ constructs a critique of the liberal international order based upon an ontological framework that presupposes that power and subjects are entities possessing qualities that preexist relations. Power is imagined as a ‘‘mighty totality,’’ and subjects as monads endowed with potentia. As a result, the problematique of political agency is portrayed as a quest for the ‘‘liberation’’ of a subject ontologically gifted with a freedom that power inevitably oppresses. In this way, the conceptualization of political agency remains confined within the liberal struggle of ‘‘freedom’’ and ‘‘oppression.’’ Even researchers who adopt a Foucauldian vocabulary end up falling into what Bigo has identified as ‘‘traps’’ of political science and international relations theorizing, specifically essentialization and ahistoricism. I argue here that in order to reimagine political agency an ontological and epistemological turn is necessary, one that relies upon a relational ontology. Relational ontological positions question adopting abstract stable entities, such as ‘‘structures,’’ ‘‘power,’’ or ‘‘subjects,’’ as explanations for what happens. Instead, they explore how these pillar concepts of the Western political thought came to being, what kind of practices they facilitate, consolidate and result from, what ambiguities and aporias they contain, and how they are transformed.12 Relational ontologies nurture ‘‘modest’’ conceptualizations of political agency and also question the overwhelming stability of ‘‘mighty totalities,’’ such as for instance the international liberal order or the state. In this framework, political action has more to do with playing with the cards that are dealt to us to produce practical effects in specific contexts than with building idealized ‘‘new totalities’’ where perfect conditions might exist. The political ethics that results from non-substantialist ontological positions is one that privileges ‘‘modest’’ engagements and weights political choices with regard to the consequences and distributive effects they may produce in the context where they are made rather than based upon their universal normative aspirations.13

4. The state is inevitable - we need to understand how the state works to re-appropriate it. **Koopman 08**

Koopman, 8- Sarah Koopman (Ph.D., political geography) is a feminist political geographer who does collaborative research with international solidarity movements to support their efforts to decolonize the relationships between global North and South. Her work also speaks to dynamics in humanitarianism, development, and peacebuilding more generally.(“Imperialism Within: Can the Master’s Tools Bring Down Empire?”, [http://www.acme-journal.org/vol7/SKo.pdf?q=within)](http://www.acme-journal.org/vol7/SKo.pdf?q=within)//TL)

Those of us within the core of empire may think of empire as imposed over ‘there’ on ‘them’, but to effectively struggle against it we have to see how it also affects ‘us’ over ‘here’, and see the imperialism we carry within. The good helper role is one way empire becomes quite intimate. Solidarity activists have used it to try to bring down empire, but this master’s tool is toxic. When we use it we may appear to take tiles off of the master’s house, but we unintentionally reinforce the foundations, the systems of domination that prop up empire. We cannot simply ignore or throw away this tool. The good helper role is too strong a trope, and we continue to slip into these patterns or be read through them. There is no place outside of power, no pure opposition (Butler, 1999). There is no Zion off the grid. The master’s house is taking up all of the land. If we are going to build a new house it has to be on this same plot, and most of our building materials will be recycled from his house. We cannot ignore his tools, or we will constantly trip over them; but we can dismantle and rework them. Changing the good helper tool to become true compas is a constant process. With this modified tool in-the-making we can dismantle the master’s house, and at the same time be building our own. One of the key components of that better world is new ways of relating to others, which requires a new sense of self. As we build these, we also undercut some of the main beams of the master’s house.

5. The alt’s armchair theorizing fails since people can’t get up and resist the state when they’re stuck in cycles of oppression – handgun ban is key to resist IPV that lets people resist oppression on their own – that’s O’Doherty

6. Empirics prove the state has done some good – our arg isn’t that the state is ethical but that it has the *possibility* of doing good. **Omi 13**

(et al; Michael Omi is an American sociologist. Professor Omi is best known for developing the theory of racial formation along with Howard Winant. Omi serves on the faculty at the University of California, Berkeley. Howard winant co-authored this piece. Resistance is futile?: a response to Feagin and Elias, Ethnic and Racial Studies Volume 36, Issue 6, p. 961-973, 2013 Special Issue: Symposium - Rethinking Racial Formation Theory). NS from file

In Feagin and Elias's account, white racist rule in the USA appears unalterable and permanent. There is little sense that the ‘white racial frame’ evoked by systemic racism theory changes in significant ways over historical time. They dismiss important rearrangements and reforms as merely ‘a distraction from more ingrained structural oppressions and deep lying inequalities that continue to define US society’ (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call ‘surface flexibility’ to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase ‘racial democracy’ is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, we disagree. The USA is a racially despotic country in many ways, but in our view it is also in many respects a racial democracy, capable of being influenced towards more or less inclusive and redistributive economic policies, social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. It would be easy to conclude, as Feagin and Elias do, that white racial dominance has been continuous and unchanging throughout US history. But such a perspective misses the dramatic twists and turns in racial politics that have occurred since the Second World War and the civil rights era. Feagin and Elias claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we ‘overlook the serious reversals of racial justice and persistence of huge racial inequalities’ (Feagin and Elias 2012, p. 21) that followed in its wake. We do not. In Racial Formation we wrote about ‘racial reaction’ in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attention to our arguments there; perhaps because they are in substantial agreement with us. While we argue that the right wing was able to ‘rearticulate’ race and racism issues to roll back some of the gains of the civil rights movement, we also believe that there are limits to what the right could achieve in the post-civil rights political landscape. So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. Some of the major reforms of the 1960s have proved irreversible; they have set powerful democratic forces in motion. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his ‘interest convergence hypothesis’ effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act of 2 July 1964 – ‘We have lost the South for a generation’ – count as ‘convergence’? The US racial regime has been transformed in significant ways. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls ‘passive revolutions’ – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. So yes, we think there were important if partial victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined ‘others’ and the democratization of structurally racist societies, but also the recognition and validation by both the state and civil society of racially-defined experience and identity. These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other ‘new social movements’: second-wave feminism, gay liberation, and the environmentalist and anti-war movements among others. By no means do we think that the post-war movement upsurge was an unmitigated success. Far from it: all the new social movements were subject to the same ‘rearticulation’ (Laclau and Mouffe 2001, p. xii) that produced the racial ideology of ‘colourblindness’ and its variants; indeed all these movements confronted their mirror images in the mobilizations that arose from the political right to counter them. Yet even their incorporation and containment, even their confrontations with the various ‘backlash’ phenomena of the past few decades, even the need to develop the highly contradictory ideology of ‘colourblindness’, reveal the transformative character of the ‘politicization of the social’. While it is not possible here to explore so extensive a subject, it is worth noting that it was the long-delayed eruption of racial subjectivity and self-awareness into the mainstream political arena that set off this transformation, shaping both the democratic and anti-democratic social movements that are evident in US politics today.

### A2 Essentialism K

Perm do both ––

Our AFF breaks down the gender binary by closing the loophole in the law – we extend the same protections to non-traditional relationships that’s currently given to heterosexual married couples – that’s **Welch**

We’re a direct critique of IPV framing that only applies in straight relationships – we reconceptualize IPV to account for queer survivors – that’s **EGS and Canon**

We don’t produce the gender binary – we just recognize it. We don’t think normatively the world should be organized through gender binaries, just in the squo women are disproportionately targeted in straight relationships and queer people suffer IPV because of imposed gender roles

Our feminist framing is key to solving queer oppression – the alt fragments resistance and only the perm solves. **Egbert 14**

C.K. Egbert. “Defending the ‘Terf: Gender as Political.” Feminist Current. 16 July 2014. http://www.feministcurrent.com/2014/07/16/defending-the-terf-gender-as-political/.

**The danger in thinking that we can solve the problem of sexual subordination by multiplying our gender/sexual identities**, **or** in **seeing** the **liberation of non-gender conforming and non-heterosexual people as separate from women’s liberation**, **is that we might** end up **treat**ing **the symptoms rather than the cause**. First, what about getting out of the problematic, essentialist gender binary by multiplying identities? In fact, multiplying identities does not necessarily eliminate hierarchies. The racial categorization in many Latin American countries does not operate, as it has in the United States at various points in its history, on a strict white/non-white binary. However, the multiplying of identities has not eliminated racial subordination in these places; in fact, it may make it more **difficult to combat because there are fewer opportunities for solidarity** when non-whites are not equal to whites but some are more equal than others. What about the particularity of peoples’ experience and the importance of intersectionality? Doesn’t that mean that we can’t see all forms of gender/sexual marginalization as a function of women’s oppression? I don’t deny that intersectionality is important and impacts our lived experience of oppression. A black woman will experience gender subordination differently than a white woman. However, **over-particularizing our identities can make us lose track of the primary mechanisms, constructions, and structures of subordination. Subordination is** not a subjective experience but **a social phenomenon**. We can see the danger of over-particularizing and divorcing privilege and marginalization from social structures, for example, in the way that some pedophiles claim laws against child sex abuse is ageist and some pro-BDSM people claim they are marginalized by “vanilla” sexuality and that it is a “sexual orientation” on par with homosexuality, bisexuality, etc. **Thinking that the marginalization of and violence against non-gender conforming and non-heterosexual people is separate from the feminist struggle would be like thinking that unemployment and labor exploitation are distinct problems from — rather than functions of — the capitalist system**. We can’t fully address unemployment or labor exploitation without dismantling the systems of economic oppression that give rise to them in the first place. Similarly, **we can’t fully address the marginalization of anyone who suffers from patriarchalism without addressing the system of gender upon which sexual subordination relies.** **Feminists are not trying to exclude or degrade people of non-conforming genders or sexualities. We aren’t denying all the ways in which gender enforcement harms and marginalizes, and we aren’t saying they can’t contribute to the project of liberation. Feminists just think that gender is not personal but political.**

Our gender-based analysis actively breaks down the sex-based binary they critique. **Cannon 15**

Clare Cannon, Katie Lauve-Moon and Fred Buttell. “Re-Theorizing Intimate Partner Violence through Post-Structural Feminism, Queer Theory, and the Sociology of Gender.” Social Sciences. 7 September 2015.

**Traditionally, IPV research has conceptualized “gender” as a binary** independent **variable measured by “sex”** that may or may not significantly impact IPV perpetration. Here, distinctions should be made for clarification. West and Zimmerman [51] define sex as a “determination made through the application of socially agreed upon biological criteria for classifying persons as females or males” ([51], p. 127). Sex category is “achieved through application of the sex criteria, but in everyday life, categorization is established and sustained by the socially required identificatory displays that proclaim one’s membership in one or the other category” ([51], p. 127). Therefore, one may associate with a particular sex category without meeting the criteria of that sex. Finally, gender refers to “the activity of managing situated conduct in light of normative conceptions of attitudes and activities appropriate for one’s sex category” ([51], p. 127). **The examination of IPV against or between females and males** (sex), **those who identify as female or male** (sex category), **and those who embody feminine or masculine qualities** (gender) **should distinguish between these** distinct **groups**. Studies that investigate the relationship between gender and IPV through the “sex” binary assumes differences between males and females without accounting for how gender as understood through masculinities and femininities influences behaviors for both sexes. Furthermore, this approach fails to account for gendered differences between those of the same sex as well as the differences in rates of IPV perpetration between same-sex individuals. **Approaching IPV through the sociology of gender, utilizes a post-structural approach in how it understands the binaries of male versus female or masculinity as a characteristic of males and femininity as characteristic of females. Approaching gender through the lens of masculinities and femininities deconstructs the historically assumed essential, structured differences between males and females and, rather, assumes a more fluid understanding of gender by arguing that both males and females may embody both masculinities and femininities to varying degrees.**

Turn – the AFF breaks down heteronormative “family” ideology embedded within gun control. **Gavigan 93**

Gavigan, Shelley. "Paradise Lost, Paradox Revisited: The Implications of Familial Ideology for Feminist, Lesbian and Gay Engagement to Law”(1993)." Osgoode Hall LJ 31: 589-624.

The pain, the grief, the compelling facts, the obvious discrimination,99 and judicial subscription to familial ideology are undeniable. Nonetheless, my questions remain: do lesbians and gay men really need a "spouse in the house?" Is the fact that the threshold definition of "spouse" in law as a person of the opposite sex best characterized as an instance, or source,100 of "heterosexual privilege?" Would this form of legalization of lesbian and gay relationships correct the injustices of a heterosexist society? Is the definition of "spouse" in other respects neutral? Can the social and legal concept of "spouse" be plucked from its heterosexual familial context and dropped into the lesbian and gay context? And, if so, should it? For the editors of the Harvard Law Review in their recent review of American law (Sexual Orientation and the Law) these questions address non-issues: Marriage has always been regarded as a central institution in American society. Alongside its strong symbolic meaning to the partners, marriage bestows concrete legal advantages on the couple: tax benefits, standing to recover damages for certain torts committed against spouses, rights to succession, and insurance benefits to name a few And, "[m]arriage is also constitutionally protected because it promotes familial and social stability" [references omitted].P 2 They confidently conclude that "same-sex marriages are wholly consistent with the theoretical and policy justifications behind the right to marry."103 And thereby, they render unthinkable and invisible women and men who are critical of the values ascribed to marriage, who are skeptical of its promised benefits and protections, who are attentive to the historic inequalities of marriage, and who consciously choose not to be spouses. In other words, they resist the apparently irresistible appeal of a dominant ideology of this society, notwithstanding that for some, the alleviation of parental mortification because they are "living in sin" through the absolution of a legal marriage seems a small price to pay for the promise of familial peace and freedom from parental interference.

Feminist theories are key to understanding queer IPV – IPV occurs from masculine culture even in queer relationships. **Calton 15**   
“Barriers to Help Seeking for Lesbian, Gay,Bisexual, Transgender, and Queer Survivors¶ of Intimate Partner Violence,” Jenna M. Calton, Lauren Bennett Cattaneo, and Kris T. Gebhard, George Mason University, 2015.

The feminist movement played a major¶ role in raising awareness about violence against women¶ (Goodman & Epstein, 2008). As a result of these historical¶ roots, many antiviolence activists and scholars have conceptualized¶ IPV using feminist theories, which posit that systems of¶ patriarchy cause and maintain violence in intimate relationships¶ (A. Hattery, 2009). Because men have more social, political,¶ and economic power than women, these theories suggest¶ that there is a cultural belief in American society that it is¶ acceptable for men to have power and control over women in¶ romantic relationships. In other words, the broader power structure¶ in society that favors males is enacted within relationships.¶ As the feminist movement progressed, many activists and¶ scholars expanded their understanding of patriarchal violence¶ to include any violence in which a person uses coercive measures¶ to control a less powerful individual (Hooks, 2000). IPV is intimately connected to male dominance and sexism even if an abuser is not male, because IPV occurs within a culture, created by men, that condones violence as a strategy for dominant people to control subordinate people. Building on that supposition,¶ specific theories have articulated ways in which power¶ dynamics operate in relationships. For example, coercive control¶ theory suggests that the goal of IPV is power and control¶ and that the field should understand abuse as an ongoing pattern¶ of strategies to that end, highlighting the deprivation of¶ autonomy, rather than focusing on discrete physical events¶ (Stark, 2007). Further, ‘‘the coercive control model views the¶ dynamics in abusive relationships from the vantage of the historical¶ struggle for women’s liberation and men’s efforts to preserve¶ their traditional privileges in personal life in the face of¶ this struggle’’ (Stark, 2009, p. 2). In a more fine-grained analysis¶ of relationship dynamics, positioning theory focuses on¶ how people position themselves in relation to each other (Harre´¶ & van Langenhove, 1999). In the context of IPV, a broad spectrum¶ of behaviors can serve as mechanisms for achieving a¶ superior position from accusing a partner of wrongdoing to¶ active threats (e.g., Ofreneo & Montiel, 2010). Such theories¶ draw our attention to the ways in which systems of oppression¶ can be reflected in relationships, and while theorists tend not to¶ make this link, they are clearly relevant to LGBTQ relationships¶ as well as cisgender opposite-sex (COS) relationships.¶ Additional feminist theories highlight the fact that while relevant¶ theory may exist, encompassing the experiences of the¶ full population of survivors necessitates a deep understanding of social identities. Crenshaw (1991) argued that multiple¶ aspects of identity intersect and impact violence against¶ women, and she coined the term ‘‘intersectionality’’ to reflect¶ the intersections of identities. Although Crenshaw was focused¶ on the experiences of Black female survivors, her perspective¶ suggests the lived experience of LGBTQ individuals’ gender¶ identities and sexual orientations must be considered together¶ to fully understand the causes and experiences of LGBTQ IPV.¶ For example, many LGBTQ individuals experience homophobia¶ and transphobia and internalize these prejudices.5 Internalized¶ homophobia or transphobia may motivate violence¶ between LGBTQ partners, when this negative social regard for¶ LGBTQ identity is projected on to a partner.

Only the perm provides critical feminism that incorporates perspectives from non-conforming communities – history proves this works for IPV law. **Morrison 6**

Adele M. Morrison [\* Associate Professor of Law, Northern Illinois University College of Law]. “Changing the Domestic Violence (Dis)Course: Moving from White Victim to Multi-Cultural Survivor.” *University of California, Davis.* Vol. 39: 1061. http://lawreview.law.ucdavis.edu/issues/39/3/deconstructing-image-repertoire-women-of-color/davisvol39no3\_morrison.pdf.

In spite of the legal system’s current control over the construction of the three essential elements, it is still possible to change the dominant domestic violence discourse for two reasons: 1) the fact that the domestic violence movement was able to influence the federal government to recognize the seriousness of domestic violence by bringing about the enactment and reauthorization of the Violence Against Women Act (“VAWA”) indicates that the movement still has influence and can exercise its clout in the political arena; and 2) feminists of color, and **others marginalized by the white domestic violence movement, have come to the forefront to challenge** both **the established movement and dominant** social and political **institutions** **to take** **all** **intimate violence more seriously**. **The current domestic violence movement**, which **now more fully includes those who had been marginalized** **by** **the** early **battered women’s movement, has the political power to make a change in the (dis)course**. 1. Domestic Violence Movement Influences: The Violence Against Women Act While VAWA164 is as much a part of the white domestic violence discourse as any given state law, that does not negate the fact that its existence indicates the power of the battered women’s movement. In 1994, battered women’s advocates were able to get federal legislation signed into law, which, among other things, codified that gender-related violence was subject to federal criminal penalties. This successful effort indicates that more recently than the 1970s and 1980s, those in the domestic violence movement had some power to shape the discourse about violence against women. In 2000, battered women’s advocates, immigrant rights groups, lawyers and other advocates for the poor, worked to get expanded or restored protections for battered immigrant women.165 As a result, VAWA was reauthorized, this time with those and other additional provisions.166 2. Moving From “Margin to Center”167 **The success of obtaining additional provisions for battered immigrant women is an example of the influence of the [IPV]** domestic **violence movement and the growth**, both in numbers and in strength, **of other groups mobilized to end intimate violence**. **These include groups focused** specifically **on** individual **communities** **of** **color**,168 as well as those working in coalition on the issue of violence in these communities as a whole,169 or on behalf of immigrants.170 Also included are **groups organizing against same-sex [IPV]** domestic violence,171 those **working to end violence against** **men within heterosexual relationships**,172 **as well as queer and straight youth working to end dating violence**.173 **Where the activists go, the scholarship follows.** Critical scholarship, particularly on the issues of race and men’s violence against women, and racism in the domestic violence movement, has impacted the movement itself.174 **Now it is time for the movement to combine its political influence with a multi-cultural understanding of [IPV]** domestic violence **legal discourse. It is time to begin to reclaim and reconstruct [IPV]** domestic violence **legal discourse and** domestic violence [IPV] law. To **make that change, those currently active in the anti-[IPV]**domestic violence **movement need to reclaim the discourse to make it more overtly feminist and political** again, but with a difference. **This feminism must be Critical** Race Feminism,175 **and the politics must be that of inclusion and anti-subordination**.176 **This approach will increase political power because of the inclusion of women of color who had been excluded**. **It is** also **the only way to create a truly multi-cultural discourse.** **This** method **will** modify the current domestic violence process and practice because it will **recreate the battered woman by moving** the identity **from** that of **white victim to** that of **multi-cultural survivor**. Reconstructing the identity, process and practice changes the discourse. B. Constructing Multi-Cultural Identity, Process and Practice The white “battered woman” identity, the white-focused empowerment continuum, and white-centered legal practice lead to and are the result of a legal discourse that both discounts battered women of color, and subjects victims of domestic violence who are not white to further abuse within a system purporting to be there to help them. But women of color have constructed other responses to both the violence in their lives and to the laws erasing their realities.177 By decentering white and instead centering color, the battered woman identity will change from victim to survivor. This in turn will have a positive effect on the empowerment continuum, allowing for more cultural sensitivity and community involvement. Legal practice is affected as well. Since the identity is now of a survivor and the process includes community, the law can place less emphasis on using orders of protection as a way to respond to serious violence and can use them for the intended purposes of protecting those being victimized. Centering color will allow the system to move from focusing on the needs of white victims to creating multi-cultural survivors. 1. The Battered Woman’s Survivor Identity In order to create a multi-cultural survivor, the identity, the discourse, and the process must locate women of color at their respective centers. This entails shifting the focus away from white women and onto women of color. Both the walk and the talk must be multi-racial, with women of color as the starting point. Within the identity, the concept of the victim must be reconstructed to be one who, despite being beaten down, still survives.178 This proposal is grounded in Gondolf and Fisher’s survivor theory,179 and calls for a shift away from learned helplessness180 as the core concept within domestic violence law. The effect on the legal system will be profound if the battered woman identity was to shift, at the intersection where race and the victim/survivor concept meet, moving away from white victim to that of multi-cultural survivor. To make this discursive shift, the focus of battered women’s stories must change. Currently, the standard is to concentrate on the victimization.181 The idea behind this standard probably was that these stories would cause society (sometimes represented as members of a jury) or a judge to be appalled to see what some man did to some poor woman. But the reaction has been to ask the question, “why does she stay,” or “why does she go back to him?”182 Making the discursive shift to tell a survivor’s narrative in which the focus is on what the woman did to endure reconstructs the battered woman identity as survivor, casts her in a more positive light, and places the emphasis on the violence of the man.183 **Essentially, the narrative becomes “she did everything right because she is still alive.” The focus then can shift to the real issue, which is his abusive behavior. And the question becomes, “why is he so violent?”** Reconstructing the battered woman as survivor will not only shift the focus to the perpetrator’s violence, but may also have a positive effect on some of the unintended and difficult circumstances that have arisen for battered women in conjunction with their involvement with the legal system. Two of those circumstances are addressed here: 1) charging a woman with failure to protect her children184 and 2) a judge issuing mutual orders of protection.185 These unintended circumstances, among others, cause the already battered woman additional harm under the current system.

Perm do plan with the reps of the alt – ignorance of queer IPV is a societal lack of recognition, not a problem of the AFF – it’s definitely compatible with the plan

Implementable policy strategies are uniquely key for gender violence movements – we are flooded with critique but unable to implement solutions – alt alone fails. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

Perm do the plan but challenge essentialist representations – plan is critical – exclusive focus on representations erodes meaningful reversal of structures of exploitation---discursive focus can’t replace concrete change . **Giroux 6**

Henry Giroux 06, prof of edu and cultural studies at Penn State, 6 (Comparative Studies of South Asia)

Abstracted from the ideal of public commitment, the **new authoritarianism represents a** political and economic practice and **form of militarism that loosen[s] the connections among** substantive **democracy**, critical agency, **and critical education. In opposition** to the rising tide of authoritarianism, **educators** across the globe **must make a case for linking learning to progressive social change** while struggling to pluralize and critically engage the diverse sites where public pedagogy takes place. In part, this suggests forming alliances that can make sure every sphere of social life is recognized as an important site of the political, social, and cultural struggle that is so crucial to any attempt to forge the knowledge, identifications, effective investments, and social relations that constitute political subjects and social agents capable of energizing and spreading the basis for a substantive global democracy. **Such circumstances require** that **pedagogy be embraced as a moral and political practice**, one that is directive and not dogmatic, an outgrowth of struggles designed **to resist the increasing depoliticization of political culture that is the hallmark of** the current **Bush** revolution**. Education is the terrain where consciousness is shaped**, needs are constructed, **and the capacity for** individual self-reflection and **broad social change is nurtured** and produced. Education has assumed an unparalleled significance in shaping the language, values, and ideologies that legitimize the structures and organizations that support the imperatives of global capitalism. Efforts to reduce it to a technique or methodology set aside, education remains a crucial site for the production and struggle over those pedagogical and political conditions that provide the possibilities for people to develop forms of agency that enable them individually and collectively to intervene in the processes through which the material relations of power shape the meaning and practices of their everyday lives. Within the current historical context, struggles over power take on a symbolic and discursive as well as a material and institutional form. The struggle over education is about more than the struggle over meaning and identity; it is also about how meaning, knowledge, and values are produced, authorized, and made operational within economic and structural relations of power. Education is not at odds with politics; it is an important and crucial element in any definition of the political and offers not only the theoretical tools for a systematic critique of authoritarianism but also a language of possibility for creating actual movements for democratic social change and a new biopolitics that affirms life rather than death, shared responsibility rather than shared fears, and engaged citizenship rather than the stripped-down values of consumerism. **At stake here is combining symbolic forms** and processes **conducive to democratization with** broader social contexts and the **institutional formations of power itself. The key point** here **is to** understand and **engage educational** and pedagogical **practices from the point of** view of **how they are bound up with larger relations of power. Educators**, students, and parents **need to be clearer about how power works through** and in texts, **representations**, and discourses, **while at the same time recognizing** that **power cannot be limited to the study of** representations and **discourses, even at the level of public policy. Changing consciousness is not the same as altering the** institutional basis of oppression; at the same time, institutional **reform cannot take place without a change in consciousness capable of recognizing not only injustice but also the very possibility for reform, the capacity to reinvent the** conditions [End Page 176] and **practices that make a more just future possible.** In addition, it is crucial to raise questions about the relationship between pedagogy and civic culture, on the one hand, and what it takes for individuals and social groups to believe that they have any responsibility whatsoever even to address the realities of class, race, gender, and other specific forms of domination, on the other hand. For too long, the progressives have ignored that the strategic dimension of politics is inextricably connected to questions of critical education and pedagogy, to what it means to acknowledge that education is always tangled up with power, ideologies, values, and the acquisition of both particular forms of agency and specific visions of the future. The primacy of critical pedagogy to politics, social change, and the radical imagination in such dark times is dramatically captured by the internationally renowned sociologist Zygmunt Bauman. He writes, Adverse odds may be overwhelming, and yet a democratic (or, as Cornelius Castoriadis would say, an autonomous) society knows of no substitute for education and self-education as a means to influence the turn of events that can be squared with its own nature, while that nature cannot be preserved for long without "critical pedagogy"—an education sharpening its critical edge, "making society feel guilty" and "stirring things up" through stirring human consciences. The fates of freedom, of democracy that makes it possible while being made possible by it, and of education that breeds dissatisfaction with the level of both freedom and democracy achieved thus far, are inextricably connected and not to be detached from one another. One may view that intimate connection as another specimen of a vicious circle—but **it is within that circle that human hopes and the chances of humanity are inscribed, and can be nowhere else**.59

IPV is a gendered issue – women experience disproportional rates of IPV. Caldwell 12

“Gender Differences in Intimate Partner Violence Outcomes” in Psychology of Violence (2012, Vol. 2, No. 1), Jennifer E. Caldwell, Suzanne C. Swan, and V. Diane Woodbrown, University of South Carolina.

Our review of the evidence presented here¶ largely supports the contention of feminist theory that gender matters. However, we do not¶ subscribe to an “inherent feminine vulnerability”¶ that predisposes women to greater posttraumatic¶ stress and other poor outcomes in response¶ to IPV, relative to men. Rather, we¶ believe the preponderance of evidence supports¶ situational vulnerability, the idea that women are more likely than men to encounter contextual factors that disempower them, and put them¶ in situations—such as sexual abuse—that increase¶ risk of poor outcomes (Cortina & Pimlott-Kubiak,¶ 2006). Gender certainly matters,¶ but we would go further and say that what really matters is power; gender matters because it is so highly correlated with power. If we are correct¶ that power is what really matters, we would¶ expect to see the model in Figure 1 operate in a similar way for gay or lesbian relationships involving IPV. For example, the model predicts¶ that a gay man who was accorded less status¶ than his partner (i.e., because of his race or¶ class), who was smaller and weaker than his¶ partner, and who was dominated by his partner¶ within their relationship would suffer more negative¶ outcomes from IPV, as compared to a gay¶ man with a violent partner who was equivalent¶ to his partner in status and physical strength.¶ Implications for Research and Practice¶ Understanding gender similarities and differences¶ in IPV has significant implications for¶ research and practice. We argue that power, and¶ the abuse of power in intimate relationships, is the central issue in explaining why IPV occurs and why outcomes of IPV are typically more severe for women than for men. This is certainly¶ not a new argument; it was proposed by¶ the Duluth model almost 20 years ago (Pence &¶ Paymar, 1993). Gender, then, serves as a proxy¶ for power. We believe a fruitful area of future¶ research is to explore the contextual factors that¶ create and sustain power differences in relationships.¶ Future studies should examine not just¶ gender, but other status variables related to¶ more or less power and privilege in a culture¶ (race, class, immigration status, etc.), as well as¶ physical size and strength. Studies could also¶ examine individual difference bases of power¶ within a particular relationship, which may include¶ economic power, attachment to a partner¶ who is the only source of emotional support,¶ lack of access to resources, lack of education,¶ fear of losing the children, disability status, and¶ so forth. An examination of these factors in¶ same-sex relationships, in which gender is held¶ constant, would be informative.¶ The practice implications of understanding¶ the relationship between gender and IPV are¶ vital. Community agencies that serve IPV victims¶ are facing lawsuits in the name of gender¶ symmetry (Dragiewicz, 2008; Rosen et al.,¶ 2009); yet women are much more likely to be¶ injured (Archer, 2000) or killed (Domestic Violence¶ Resource Center, 2011) as a result of¶ IPV. However, as we have argued, gender is not¶ the only base of power. Victim services are¶ needed for everyone who experiences signifi-¶ cant negative consequences of IPV. We expect¶ that the largest number of people experiencing significant negative consequences of IPV are women victimized by men, followed by lesbian and gay victims of IPV. Relative to these populations,¶ we would expect a smaller number of¶ men in heterosexual relationships experience¶ significant negative consequences of IPV. However,¶ evidence indicating that 21% of male IPV¶ victims are injured (Arias & Corso, 2005); 15%¶ experience depression (Fergusson et al., 2005);¶ and 20% report posttraumatic stress (Coker et¶ al., 2005) clearly point to the seriousness of IPV¶ for men as well as women.

### A2 Eugenics K

1. Claiming that we shouldn’t pass modern gun control because of a racist legacy is nonsense. **Winkler 13**

Adam Winkler, "Gun Control Is "Racist"?," New Republic, https://newrepublic.com/article/112322/gun-control-racism-and-nra-history, February 4, 2013. CC

Of course, not every gun law in American history was motivated by racism. In fact, some of our earliest gun laws had nothing to do with prejudice. After 1820, for instance, a wave of laws swept through the South and Midwest barring people from carrying concealed weapons. These laws weren't racist in origin; blacks in many of these states were already prohibited from even owning a gun. The target of concealed carry laws was white people, namely violence-prone men who were a bit too eager to defend their honor by whipping out their guns. These laws, which might be thought of as the first modern gun control laws, had their origin in reducing criminal violence among whites. Moreover, Keene's claim that gun control has racist roots is not made to correct the historical record. He uses that history to raise doubts about President Obama's proposals for background checks and restrictions on high-capacity magazines and assault weapons. Of course, there is no evidence any of these laws are motivated by even the hint of racism. To suggest that we shouldn't adopt any gun regulations today because our ancestors had racist gun laws is, to be generous, far-fetched. Property law was once profoundly racist, allowing racially restrictive covenants; voting law was once profoundly racist, allowing literacy tests; marriage law was once profoundly racist, allowing no interracial marriage. Does that mean we should never have laws regulating property, voting, or marriage? In these other areas of law, such a claim would be patently absurd. Yet in the minds of today's NRA leaders, that's what passes for logic.

2. Perm do both – shields the link since we uncover insidious motives from the past and also create a good policy in the present – being held to the past is bad because it means we never learn from problems and change so perm is key to future progress

3. Modern policies don’t have same motives – black leaders are key advocates for gun control. **Winkler 11**

Adam Winkler, "Is Gun Control Racist? ," Daily Beast, October 9, 2011. CC

In the years since, the racial politics of gun control have shifted dramatically. Given the high incidence of crime in some black communities, African-American politicians have sought measures to reduce gun violence. And it is primarily white politicians, representing white communities, that oppose gun control. America’s most recent gun-control efforts, such as requiring federally licensed dealers to conduct background checks, aren’t designed to keep blacks from having guns, only criminals. Of course, the unfortunate reality is that the criminal population in America is disproportionately made up of racial minorities. For all the wackiness you’re likely to find on some gun rights websites, they should serve as a reminder about the racist roots of gun control. There’s no doubt we need better and more effective gun safety laws. In pursuing them, we should be careful to avoid repeating the mistakes of the past.

4. Case turns and outweighs – IPV disproportionately effects marginalized groups and furthers racism. **Jones 14**

Feminista Jones, Why Black Women Struggle More With Domestic Violence, Time Magazine

And for Black women, it’s an even bigger problem: Black women are almost three times as likely to experience death as a result of DV/IPV than White women. And while Black women only make up 8% of the population, 22% of homicides that result from DV/IPV happen to Black Women and 29% of all victimized women, making it one of the leading causes of death for Black women ages 15 to 35. Statistically, we experience sexual assault and DV/IPV at disproportionate rates and have the highest rates of intra-racial violence against us than any other group. We are also less likely to report or seek help when we are victimized. The reasons Black women suffer disproportionately from abuse are complex. Racism and sexism are two of the biggest obstacles that Black women in America face. But because many Black women and men believe racism is a bigger issue than sexism, Black women tend to feel obligated to put racial issues ahead of sex-based issues. For Black women, a strong sense of cultural affinity and loyalty to community and race renders many of us silent, so our stories often go untold. One of the biggest related impediments is our hesitation in trusting the police or the justice system. As Black people, we don’t always feel comfortable surrendering “our own” to the treatment of a racially biased police state and as women, we don’t always feel safe calling police officers who may harm us instead of helping us. And when we do speak out or seek help, we too often experience backlash from members of our communities who believe we are airing out dirty laundry and making ourselves look bad in front of White people. Access to employment and economic self-sufficiency are also important. Racism has a disparate impact on Black people, men especially, who have, for the past six decades, consistently been held to an unemployment rate almost double that of white men. In a society that measures “manhood” primarily by one’s ability to provide, being denied access to the means to provide can cause some men to seek power through dominating women. For some men, the venting of anger turns violent and their partners suffer the greatest blows. Black women also face employment disparities, earning less than Black men and White men and women. This wage disparity limits available options and leaves many women, particularly mothers, feeling trapped in bad relationships where financial needs trump all. Spiritual beliefs and negative views about mental health services also factor into why many Black women remain with abusive partners. One in three Black Americans who need mental health treatment actually receive it, and we are more likely to rely on religious guidance and faith-based practices when working through relationship issues. Religious beliefs often discourage divorce, encourage forgiveness and occasionally condemns those who seek psychiatric services instead of relying on faith. Black women’s perceptions of what constitutes abuse have been influenced by their negotiation of spiritual and mental health beliefs and how they have shaped our paradigms. Researchers have also found that Black women report feeling more obligated to fight back than to report abuse and that is reflected in the disproportionate rates of DV/IPV reported by Black men. Our attempts to embody the “strong Black woman” stereotype have often done more harm than good, to us and those we love. There is a lot we don’t fully understand about the unique ways in which Black women endure DV/IPV because the lack of empirical research is indicative of what may simply be lack of empathy and concern for what Black women experience. I have been a fierce advocate for Black women and a mental health social worker for more than a decade and I have learned that we cannot win this fight if we don’t acknowledge any such fight exists to begin with. We need to continue speaking out and social media has become valuable in helping victims share their stories and learn about resources that can help. We need to push for stronger laws that punish criminal abusers and we need to advocate for more treatment options for victims and abusers who seek help. We need to fund advocacy programs and supportive services for victims of DV/IPV and work on reducing the stigma attached to seeking help when one is in trouble. Most of all, we need to believe that Black girls and women are valuable, important and worth putting ourselves and our personal safety first, and in our society that might be the hardest thing of all. For too long, the experiences of Black women have been ignored, particularly when it comes to those that affect our overall health and well-being. For centuries, our bodies and labor have been exploited to serve the needs of everyone but ourselves, and the physical and psychological toll can no longer be swept under the rug. Black women matter and the longer we remain invisible and have our dignity stripped and our humanity disregarded, the closer we get to the destruction of our families and communities. We must all work to end the marginalization of Black women and focus our energies on amplifying our voices and sharing what we go through at home, at work and in our communities.

5. This is NRA manipulation – the majority of blacks support gun control. **Everitt 10**

Ladd Everitt, 9/16/10, “Debunking the ‘gun control is racist’ smear,” Waging Non-Violence, DT.

In a Pew [poll](http://pewresearch.org/pubs/1212/abortion-gun-control-opinion-gender-gap) taken last year, **an overwhelming majority of blacks**, 72%, **said it was more important to control gun ownership than to protect the right to own guns**. Only 20% said that protecting the right to own guns was more important. There’s a [good reason](http://www.vpc.org/studies/blackhomicide10.pdf) why **few African-Americans associate guns with “freedom”** and “liberty.” **The** national U.S. **homicide rate** is 5.3 per 100,000 people. **Among blacks,** it’s 20.9 per 100,000. That’sfour times the national rate and **seven times the white rate.** In 82% of black-victim homicides in which the fatal weapon can be identified, it’s a gun. And 73% of those gun deaths are inflicted by handguns. Charles Lane has [said](http://www.washingtonpost.com/wp-dyn/content/article/2008/03/21/AR2008032102540.html) that, **“Firearms pose threats to modern-day urban dwellers—**crime, suicide, accidents—**that** may **outweigh any self-defense** they provide. Unlike 19th-century rural Americans, we can call on professional police.” Otis McDonald might not agree, but certainly other African-Americans in his community do. Annette Holt, whose 16 year-old son was shot and killed on a Chicago school bus while shielding a fellow student from harm, [called](http://www.voanews.com/english/news/usa/Debate-Continues-over-US-Gun-Laws-97875114.html" \t "_blank) the *McDonald v. Chicago* decision “a slap in the face to all of us who have lost children to gun violence.” Then there is **the Chicago City Council, which voted unanimously to approve the city’s strict,** post*-McDonald* **gun laws.** Robert Farago was blunt in his [assessment](http://www.washingtontimes.com/news/2010/jul/6/racist-pols-go-straight-back-to-disarming-blacks/): “Not to put too fine a point on it, Chicago’s new handgun-licensing laws are inherently racist.” **NRA** CEO Wayne LaPierre [ranted](http://www.youtube.com/watch?v=W8IotbyXzko) about “defiant city councils” that seek to “nullify” *McDonald*with regulations that are akin to “the poll tax or the literacy test.” Both men **failed to mention that 20** out **of the** Chicago City **Council’s 50 members are African-American.** One has to wonder if the tragic irony of the *McDonald* decision was lost on the Supreme Court’s conservative majority and pro-gun activists. “[The Second Amendment] now is being used to help protect a black Chicago man from local gangbangers,” Clarence Page wrote. Those **gangbangers** aren’t white terrorists from days gone by. **In many cases, they’re black kids with sophisticated weaponry courtesy of a deliberate marketing effort by firearm manufacturers.** The Bureau of Justice Statistics has [reported](http://bjs.ojp.usdoj.gov/content/homicide/race.cfm) that, between 1976 and 2005, 94% of black homicide victims were killed by blacks.

6. Genealogy is meaningless **Stevens 3**

Jacqueline (Professor of Political Science at Northwestern) Political Theory. 31.4, JSTOR

As a consequence of Foucault’s influence, one can now list hundreds of books and articles who se authors pursue a “genealogy” and not a “history” of this or that.2 So, we might now ask: What does a genealogy mean to us? What is the value of a genealogy? How ought we to pursue questions about ge neal- ogies? The quick answer first. We value genea logies for political resistance, aesthetic criticis m, and rote professionalization. No serious student of cul- tur al studies today would do a “history of X” and not its genealogy for her dis- sertation. The fad indicates nothing especially insidious about cultural stud- ies or th e linguistic turn in parts of the academy, but amounts to one more disciplining convention. Far less insistent or hegemonic than, say, the req uirement of rational choice theory or behavioral stu dies in the social sci- ences, the prevalence of a Foucauldian lexicon in the humanities calls attention to itself precisely because of its advocates’ general reluctance to impose orthodoxies. The problem with the success of Foucault’s method is not its opacity or relativism, as conservative critics of Foucault carp, but rather that it holds forth its own specialized jargon that turns out to be belied by its own intellectual history, leading to strained readings and analyses that at times mirror the pointless , obsessive methodism in other fields . Foucault ([1971] 1977a) claims to derive his devo tion to genealogy from Nietzsche, yet Nietzsche him self mocked genealogists and their enterprise. Approachi ng Nietzsche through Deleuze ([1962] 1983), Foucaul t misreads the single text in which Nietzsche discu sses the concept of genealogy (Nietz- sche [1887] 1967b), and seems ther eby to have led a herd of academics away from Nietz sche’s own meaning of ‘Genealogie’ and into what by now may have become a revaluation of the word. For an elite circle of students, “genealogy” has come to mean something quite different from its ordinary use and etymology . After offering an old-fashioned intellectual hist ory of Nietz- sche’s mocking use of ‘Genealogie’, I turn to how the term has come to be misused and perhaps even abused by Fo ucault and his disciples.

7. Learning about the past doesn’t mean the future is saved – proves only perm solves. Gupta 5

Gupta 5, Dipankar. Learning to Forget. 2005. p39

In fact, it is necessary, at this stage, to categorically assert that all future projects that depend on a past golden age are bound to fail. The European Renaissance too suffered from this tendency to look backwards for guidance. Lynn Thorndike once persuasively argued that in its origin the significance of the Renaissance was restricted to 'a purification of Latin diction and grammar, a revival of Greek, and a return from medieval compilers, commentators and originators to the old classical texts. This was all that the revival of learning meant to the Italian humanists of the quattrocento and to their fellows beyond the Alps, and for them it was enough' (Thorndike 1964: 68). To go back to the past in this fashion can be of no assistance for the future. When the popular British historian Simon Schama was asked to name a historical parallel with the Iraq war of 2003 he fumbled, unable to pull out anything from his 'historical grab bag' (Billen 2003: 14). To return to Thorndike again: 'The humanists of the so-called Italian Renaissance had only a bookish knowledge of antiquity; they failed almost as dismally as did Mussolini and his Fascists to make the reality of ancient Rome live again' (ibid.: 66). In his majestic work, The Philosophy of History, Hegel too observed that 'nothing could be shallower' than to look to Greece and Rome for examples during the French Revolution (Hegel 1956:6). Nowhere did the Renaissance succeed in reviving in reality either the Rome or the Greece of the imagination. Instead, Renaissance gave way to the Enlightenment, in spite of itself. Obviously we have to face the question squarely: what is the role of history? If history acts as a memory jogger then it is of no use in building a future. If history is to relate in graphic details what actually happened when and to whom then we are constantly stumbling over the slightest impediments in our way as we are looking behind our shoulder all the time. Old memories, rivalries, and ancient practices built on prejudices fed on ascriptive identities begin to influence our relations with others. To that extent, then, intersubjectivity and its correlate, iso-ontology, suffer reversals. It is necessary then to distinguish between learning from history and remembering the past. One learns from history not when one begins with an event, but rather with a problem which forces us to place events in a comparative perspective. When facts are framed comparatively then the uniqueness of the event is lost and memory loses its drive. There can be no intellectual engagement with uniqueness and singularity. At best one can claim absolute knowledge about events in time (as in history), or in space (as in anthropology) without learning anything about humankind. Comparisons dissolve specifics and through the variations in history it is possible to demonstrate those uniformities that bind humankind. This is the most important lesson that history can teach us.

### A2 Fem K of Law

Perm do both – AFF is a pre-req to the alt since people can’t critique the law if they’re stuck in cycles of violence – even if the AFF isn’t perfect it’s a necessary starting point – O’Doherty also means without stopping IPV we can’t have collective resistance that the alt requires

We also don’t defend the entirety of the law, just the AFF is good – they’ve conceded empirics that even if the law’s generally bad it uniquely resists gender violence in this instance

Empirics prove the law can challenge patriarchy – key to immediate improves and consciousness changing. **Wendell 87**

Wendell, 87 (Susan Wendell, Professor of Women’s studies at Simon Fraser University, “A (Qualified) Defense of Liberal Feminism”, Hypatia, Vol. 2, No. 2 (Summer, 1987), pp. 65-93, http://www.jstor.org/stable/3810017)//TL

**Liberal feminists have long been committed to achieving women's equality with men in legal rights. This commitment is frequently criticiz- ed by socialist and radical feminists** on three grounds. First, equality under the law is far from sufficient to guarantee that women will not be oppressed, even by the legal system, since access to freedom and justice is determined in large part by access to social and economic power. Most liberals are also aware of the insufficiency of legal equality to end women's oppression, if only because, as de jure class, race and sex discrimination has been reduced over the past 150 years in the English-speaking world, the power and pervasiveness of de facto discrimination have been revealed. Second, legal equality can be used to cover up or rationalize other kinds of inequality, including defacto discrimination and the more subtle ways in which women's choices are limited. "After all," it can be said, "there are no rules preventing them from doing anything they want, so women must not be trying hard enough, or perhaps women don't really have what it takes to get what they want." Third, since **many socialist and radical feminists are com- mitted to abolishing or transforming the State completely, it seems to them futile and perhaps a betrayal of their ultimate goals to work for legal reforms.** These **objections to working for legal equality must be weighed against its benefits. The immediate benefits to individual women of moves toward legal equality have been substantial. For example, re- cent reforms of the marriage laws in some Canadian provinces have guaranteed for the first time that women who have contributed their labour to making the family farm or business successful will not lose everything if the marriage breaks down**. A good argument can be made that most legal reforms have not produced the beneficial effects on in- dividual women's lives that were expected of them,15 **but we must ap- preciate what legal equality can do for some women when we see them winning back jobs they lost because of sexual harassment, winning monetary compensation because of wage discrimination, and winning the right to be considered on an equal basis with men for jobs from which they were previously excluded**.16 Nevertheless. I suspect that **the greatest benefits of legal equality are not the immediate benefits to individuals but the long-term contribu- tions that both the public struggles for legal equality and the recognition of principles of equality in the laws of the land have made toward changing people's beliefs and attitudes**. Consider the long struggle (which is not yet over) to reform the rape laws, the enforcement methods by which they were applied, and the treatment of rape cases in the courts. **Some rape victims have surely benefitted directly from improvements in the way they are treated by the police and prosecutors, and from changes in court procedures and standards of appropriate evidence**. Rape victims used to be (and many still are) on trial for their chastity and sexual morality, as though there were a presumption that they were more responsible for the actions of an accused rapist than he was. **In many places in Canada and the United States, the legal situa- tion of the rape victim has improved considerably, but still everyone admits that relatively few rapists are convicted** (an estimated 2% in Canada),17 and even fewer serve a significant prison term. **However, consider the enormous improvement in awareness, especially among women, of the realities of rape, compared to most people's attitudes and beliefs about it fifteen years ago. At least some of that improve- ment has come from the public efforts to reform the legal system. People have begun discussing the issue of responsibility openly, and more and more victims are refusing to accept guilt and shame for having been raped. When the law supports them in its judgment**, by changes in the criminal code and in the opinions expressed by judges, **people begin to re-examine attitudes they took for granted**.18 **The law is a public ex- pression of what behaviour is acceptable or unacceptable in a society**. For many citizens, unfortunately, it is the standard of morality; few people will condemn actions the law condones. **In most matters, the law is a weak tool for forcing people to behave in the ways we want them to, but I see the law, and the public struggle to reform the legal system, as powerful forces for changing consciousness**. Those who fear that obtaining legal equality will fool women into believing that we are the social and economic equals of men are under- estimating women and, I think, not paying enough attention to the historical evidence. Surely history shows that oppressed groups do not tend to be satisfied with legal equality, and that obtaining it helps to uncover the other sources of oppression. Whatever ideological uses the dominant groups can make of legal equality, they have hardly succeeded in convincing everyone that the other aspects of oppression are illu- sions.19

Alt doesn’t solve – revolution gets crushed and reinstates state power. Flaherty 5

http://cryptogon.com/docs/pirate\_insurgency.html

USC BA in International Relations, researcher in political affairs, activist and organic farmer in New Zealand

ACS = American Corporate State

THE NATURE OF ARMED INSURGENCY AGAINST THE ACS Any violent insurgency against the ACS is sure to fail and will only serve to enhance the state's power. The major flaw of violent insurgencies, both cell based (Weathermen Underground, Black Panthers**,** Aryan Nations etc.) and leaderless (Earth Liberation Front, People for the Ethical Treatment of Animals, etc.) is that they are attempting to attack the system using the same tactics the ACS has already mastered: terror and psychological operations. The ACS attained primacy through the effective application of terror and psychological operations. Therefore, it has far more skill and experience in the use of these tactics than any upstart could ever hope to attain.4 This makes the ACS impervious to traditional insurgency tactics. - Political Activism and the ACS Counterinsurgency Apparatus The ACS employs a full time counterinsurgency infrastructure with resources that are unimaginable to most would be insurgents. Quite simply, violent insurgents have no idea of just how powerful the foe actually is. Violent insurgents typically start out as peaceful, idealistic, political activists. Whether or not political activists know it, even with very mundane levels of political activity, they are engaging in low intensity conflict with the ACS. The U.S. military classifies political activism as “low intensity conflict.” The scale of warfare (in terms of intensity) begins with individuals distributing anti-government handbills and public gatherings with anti-government/anti-corporate themes. In the middle of the conflict intensity scale are what the military refers to as Operations Other than War; an example would be the situation the U.S. is facing in Iraq. At the upper right hand side of the graph is global thermonuclear war. What is important to remember is that the military is concerned with ALL points along this scale because they represent different types of threats to the ACS. Making distinctions between civilian law enforcement and military forces, and foreign and domestic intelligence services is no longer necessary. After September 11, 2001, all national security assets would be brought to bear against any U.S. insurgency movement**.** Additionally, the U.S. military established NORTHCOM which designated the U.S. as an active military operational area. Crimes involving the loss of corporate profits will increasingly be treated as acts of terrorism and could garner anything from a local law enforcement response to activation of regular military forces. Most of what is commonly referred to as “political activism” is viewed by the corporate state's counterinsurgency apparatus as a useful and necessary component of political control. Letters-to-the-editor... Calls-to-elected-representatives... Waving banners... “Third” party political activities... Taking beatings, rubber bullets and tear gas from riot police in free speech zones... Political activism amounts to an utterly useless waste of time, in terms of tangible power, which is all the ACS understands. Political activism is a cruel guise that is sold to people who are dissatisfied, but who have no concept of the nature of tangible power. Counterinsurgency teams routinely monitor these activities, attend the meetings, join the groups and take on leadership roles in the organizations. It's only a matter of time before some individuals determine that political activism is a honeypot that accomplishes nothing and wastes their time. The corporate state knows that some small percentage of the peaceful, idealistic, political activists will eventually figure out the game. At this point, the clued-in activists will probably do one of two things; drop out or move to escalate the struggle in other ways. If the clued-in activist drops his or her political activities, the ACS wins. But what if the clued-in activist refuses to give up the struggle? Feeling powerless, desperation could set in and these individuals might become increasingly radicalized. Because the corporate state's counterinsurgency operatives have infiltrated most political activism groups, the radicalized members will be easily identified, monitored and eventually compromised/turned, arrested or executed. The ACS wins again.

The state is not essentially patriarchal, only essential – state influence is inevtitable for gender politics so the alt doesn’t solve. Connell 90

(R. W. Connell is a sociologist at Marquarie University. She is widely known for the concepts of Hegemonic Masculinity and Southern Theory. “The State, Gender, and Sexual Politics: Theory and Appraisal”, Theory and Society, Vol. 19, No. 5 (Oct., 1990), pp. 507-544, http://www.jstor.org/stable/657562)//TL

Appraisals **Is the state patriarchal? Yes, beyond any argument**, on the evidence dis- cussed above. It is not "essentially patriarchal**" or "male"; even if one could speak of the "essence" of a social institution, this would exagger- ate the internal coherence of the state.** Rather the state is historically patriarchal**, patriarchal as a matter of concrete social practices. State structures in recent history** institutionalize the European equation be- tween authority and a dominating masculinity; they **are effectively con- trolled by men; and they operate with a massive bias towards hetero- sexual men's interests. At the same time the pattern of state patriarchy changes. In terms of the depth of oppression and the historical possibilities of resistance and transformation, a fascist regime is crucially different from a liberal one, and a liberal one from a revolutionary one**. The most favorable histori- cal circumstance for progressive sexual politics seems to be the early days of social-revolutionary regimes; but the later bureaucratization of these regimes is devastating. Next best is a liberal state with a reformist government; though reforms introduced under its aegis are vulnerable in periods of reaction. Though the state is patriarchal, progressive gender politics cannot avoid it**. The character of the state as the central institutionalization of power, and its historical trajectory in** the regulation and constitution of **gender relations, make it unavoidably a major arena for challenges to patriarchy. Here liberal feminism is on strong ground.** Becoming engaged in practical struggles **for a share of state power** requires tactical judgments about what developments within the state provide opportunities. In the 1980s certain strategies of reform have had a higher relative pay-off than they did before. In Australia, for instance, the creation of a network of "women's services" was a feature of the 1970s, and the momentum of this kind of action has died away. Reforms that have few budgetary implications but fit in with other state strategies, such as modernizing the bureaucracy, become more promi- nent. Equal employment opportunity and anti-discrimination legisla- tion have been highlighted; decriminalizing homosexuality is consistent with this. **Of course reform is not all in the same direction. The ascendance of market-oriented technocrats in central government leads to a re-shap- ing of higher education that emphasizes training for men** (technology, engineering, business, physical sciences**) and drains money from areas with a high proportion of women** (welfare, social science other than economics, humanities). **Thus new defensive battles have to be fought.** Sometimes they are fought with marked success, as in the Australian "Tax Summit" in 1985 when a coalition of women's, welfare, and labor groups blocked a federal government shift to a more regressive taxation structure.58 The problem is not the fact of engagement in the arena of the state, but the shape of that engagement. For liberal feminism the state has pro- vided leverage for reform mainly through the citizenship/legitimacy nexus. But an exclusive focus on those opportunities leads to a form of politics organized around "representation" rather than mass participa- tion, and emphasis on reforms such as "equal opportunity" programs conceived in terms of career paths. This prioritizes the interests of an educated minority of women. Working-class women do not have "careers" and are unlikely to be picked out as "representatives." The strategies of liberal feminism thus risk creating a structural split be- tween organized feminism and working-class women, the movement's potential mass base. A more radical form of engagement in the arena of the state will have to pay closer attention to the crisis tendencies in the gender order and the contradictions in state patriarchy discussed in the previous section. Some moments in the politics of the last twenty years do seem to em- body a different form of engagement with the state, more radicalizing and participatory. One is the moment of gay liberation in the first years of the 1970s, contesting the state’s repression of a major form of non- conjugal sexuality. Mobilization with this any previous homosexual politics, and for several years sustained a high level of political radicalism and cultural creativity. Another exam- ple is the evolution of a women's refuge documented by Johnson, set up by radical feminists in the mid-1970s making a successful claim for state funding. Feminist principles stressed a participatory style of management, which eventually led to a takeover by the working-class women whom the mainstream welfare state defined as "clients."59 **If such a politics can be generalized - and no one should doubt the dif- ficulty of the task - what would be its ultimate goal? Is the state as a whole capable of being transformed; or should it, as anarchist tradition prescribes, be smashed?** To put the question another way, we can con- ceive a patriarchal state, because we have one; is a feminist state con- ceivable? **One way of answering this is to look at the "utopias" conceived by feminist novelists. On the whole they seem to answer no.** They tend to present, as an image of a society free of patriarchy, a society without the state - such as the communities in Piercy's Woman on the Edge of Time or Le Guin's Always Coming Home. Or they locate a feminist state in a world fundamentally different from our own, such as the hidden world without men in Gilman's Herlund."60 **The problem with such a position is that it fails to deal with the sheer scale of issues in a global society requiring a decision-making and co- ordination capacity. We live in a world of five-thousand million people, not a world of villages, however high-tech they may become. Rather than moving to a smaller-scale political structure, it may be that a move to a larger scale is needed to achieve the goals of eco-feminism and the women's peace movement.** An argument can be made that the nation- state as the unit of sovereignty is an institution of patriarchy, requiring - in a context of competition between sovereign states - militarization and internal hierarchy. **Another way of approaching the question is to start from existing state structures and ask how they would have to be re-shaped. Considering the gender regime of the liberal state outlined above, it is clear that the masculinized "core" of decision-making and enforcement would have to go, replaced by demilitarization and participatory democracy**. The idea of a "representative bureaucracy" canvassed in some 19705 reform movements seems consistent with this. However, these moves would be nugatory unless the cultural distinc- tion that reproduces women's exclusion from state power, the distinc- tion between public (masculinized) and private (feminized), were abol- ished. In one sense that seems to imply an end to the state as such, which is founded on such a distinction. In another sense it suggests an expansion of the realm to which a program of democratization would apply. The state would become, so to speak, broader and thinner. Gay activists and many feminists are rightly concerned about increas- ing the existing state's powers of surveillance and control over personal life - a point on which libertarian feminists have split with anti-pomog- raphy feminists. Yet this does seem to be consistent with the tendency of all radical feminisms to apply political criteria to events and settings conventionally defined as "private": from unequal domestic labor through marital violence and incest to date-rape and household divi- sions of income. A feminist state that is a structure of authority, a means by which some persons rule over others, is self-contradictory." A feminist state **that is an arena for a radical democratization of social interaction** may be a very important image of our future**.**

State influence inevitable for gender politics - only mobilizing focus on reforms can effectively challenge gender violence. **Connell 90**

R. W. Connell 90, “The State, Gender, and Sexual Politics: Theory and Appraisal”, Theory and Society, Vol. 19, No. 5, (Oct., 1990), pp. 507-544, <http://www.jstor.org/stable/657562>

Because of its power to regulate and its power to create, the state is a major stake in gender politics; and the exercise of that power is a constant incitement to claim the stake. Thus the state becomes the focus of interest-group formation and mobilization in sexual politics. It is worth recalling just how wide the liberal state's activity in relation to gender is. This activity includes family policy, population policy, labor force and labor market management, housing policy, regulation of sexual behavior and expression, provision of child care, mass educa- tion, taxation and income redistribution, the creation and use of mili- tary forces - and that is not the whole of it. This is not a sideline; it is a major realm of state policy. Control of the machinery that conducts these activities is a massive asset in gender politics. In many situations it will be tactically decisive. The state is therefore a focus for the mobilization of interests that is central to gender politics on the large scale. Feminism's historical con- cern with the state, and attempts to capture a share of state power, appear in this light as a necessary response to a historical reality. They are not an error brought on by an overdose of liberalism or a capitula- tion to patriarchy. As Franzway puts it, the state is unavoidable for feminism. The question is not whether feminism will deal with the state, but how: on what terms, with what tactics, toward what goals.5" The same is true of the politics of homosexuality among men. The ear- liest attempts to agitate for toleration produced a half-illegal, half-aca- demic mode of organizing that reached its peak in Weimar Germany, and was smashed by the Nazis. (The Institute of Sexual Science was vandalized and its library burnt in 1933; later, gay men were sent to concentration camps or shot.) A long period of lobbying for legal reform followed, punctuated by bouts of state repression. (Homosexual men were, for instance, targeted in the McCarthyite period in the United States.)The gay liberation movement changed the methods and expanded the goals to include social revolution, but still dealt with the state over policing, de-criminalization, and anti-discrimination. Since the early 1970s gay politics has evolved a complex mixture of confrontation, cooperation, and representation. In some cities, including San Francisco and Sydney, gay men as such have successfully run for public office. Around the AIDS crisis of the 1980s, in countries such as the United States and Australia, gay community based organizations and state health services have entered a close - if often tense - long-term relationship.' In a longer historical perspective, all these forms of politics are fairly new. Fantasies like Aristophanes's Lysistrata aside, the open mobilization of groups around demands or programs in sexual politics dates only from the mid-nineteenth century. The politics that characterized other patriarchal gender orders in history were constructed along other lines, for instance as a politics of kinship, or faction formation in agri- cultural villages. It can plausibly be argued that modern patterns re- sulted from a reconfiguration of gender politics around the growth of the liberal state. In particular its structure of legitimation through plebiscite or electoral democracy invited the response of popular mobilization

Status quo institutions aren’t perfect, but the alt ignores progress which blurs the line between material changes in conditions. **Cohen 12**

Cohen 12 (Philip, professor of sociology at the University of Maryland, College Park; PhD in sociology from the University of Maryland; author of The Family: Diversity, Inequality, and Social Change, The Atlantic, November 19, 2012, “America Is Still a Patriarchy,” <http://www.theatlantic.com/sexes/archive/2012/11/america-is-still-a-patriarchy/265428/>, alp)

"It's easy to find references to patriarchs, patriarchy or patriarchal attitudes in reporting on other countries," writes Nancy Folbre: Yet these terms seem largely absent from discussions of current economic and political debates in the United States. Perhaps they are no longer applicable. Or perhaps we mistakenly assume their irrelevance. In fact—my interpretation of the facts—the United States, like every society in the world, remains a patriarchy: they are ruled by men. That is not just because every country (except Rwanda) has a majority-male national parliament, and it is despite the handful of countries with women heads of state. It is a systemic characteristic that combines dynamics at the level of the family, the economy, the culture and the political arena. Top political and economic leaders are the low-hanging fruit of patriarchy statistics. But they probably are in the end the most important—the telling pattern is that the higher you look, the maler it gets. If a society really had a stable, female-dominated power structure for an extended period of time even I would eventually question whether it was really still a patriarchy. In my own area of research things are messier, because families and workplaces differ so much and power is usually jointly held. But I'm confident in describing American families as mostly patriarchal. Maybe the most basic indicator is the apparently quaint custom of wives assuming their husbands' names. This hasn't generated much feminist controversy lately. But to an anthropologist from another planet, this patrilineality would be a major signal that American families are male-dominated. Among U.S.-born married women, only 6 percent had a surname that differed from their husband's in 2004 (it was not until the 1970s that married women could even function legally using their "maiden" names). Among the youngest women the rate is higher, so there is a clear pattern of change—but no end to the tradition in sight. Of course, the proportion of people getting married has fallen, and the number of children born to non-married parents has risen. Single parenthood—and the fact that this usually means single motherhood—reflects both women's growing independence and the burdens of care that fall on them (another piece of the patriarchal puzzle). This is one of many very important changes. But they don't add up to a non-patriarchal society. Differences that matter The social critic Barbara Ehrenreich—in a 1976 essay she might or might not like to be reminded of—urged feminists to acknowledge distinctions that matter rather than tar everything with the simplistic brush of "patriarchy." Using China as an example, she wrote: There is a difference between a society in which sexism is expressed in the form of female infanticide and a society in which sexism takes the form of unequal representation on the Central Committee. And the difference is worth dying for. China presents an extreme case, with an extremely harsh patriarchy that was fundamentally transformed—into a different sort of patriarchy. By the late 1970s female infanticide (as well as footbinding) had indeed been all but eradicated, which represented a tremendous improvement for women, saving millions of lives. Since the advent of the one-child policy in the 1980s, however, female infanticide has given way to sex-selective abortion (and female representation on the ruling committees has dropped), representing an important transformation. Calling China a "patriarchy" is true, but by itself doesn't much help explain the pattern of and prospects for change. Like Ehrenreich, I think we need to look at the variations to understand the systemic features of our society. Men losing out to women in national elections is an important one. Given the choice between two male-dominated parties with platforms that don't differ fundamentally on the biggest economic issues despite wide differences in social policy, women voters (along with blacks, Latinos and the poor) bested men and got their way. I wouldn't minimize that (more than I just did), or ignore the scale and direction of change. The American patriarchy has weakened. I expect some readers will go right to their favorite statistics or personal experiences in order to challenge my description of our society as patriarchal. In that tit-for-tat, men leading the vast majority of the most powerful institutions, and that American families usually follow the male line, become just another couple of data points. But they shouldn't be, because some facts are more important than others.

### A2 Gender Binary/Wynter K

1. No-link - the AFF makes literally no categorizations – it says people who identify as female report higher rates of IPV – not that the binary is good or we should embrace it

2. Cross-apply Mills – the Alt fails – can’t just rollback the clock and pretend it doesn’t exist because it ignores that self-identifying women report disproportionate rates of IPV

3. No-link – **EGS 14** explicitly talks about queer survivors – IPV is not just a gender problem

### A2 Greenhill IPV K

State rejection condones massive IPV. **Eng 03**

Patricia Eng. “Safety and Justice for All: Examining the Relationship Between The Women’s Anti-Violence Movement and the Criminal Legal System.” 2003. http://www.ncdsv.org/images/Ms\_SafetyJusticeForAll\_2003.pdf.

**If**, instead, the belief is that **the criminal legal system is essentially flawed and incapable of** administering **justice**, **the only alternative** left **is to dismantle it**. Choosing **this** route **means developing an adversarial relationship with the state and legal system**, joining the growing movements challenging the prison system. **This course of action** has implications far beyond addressing violence against women, yet **offers no obvious mechanisms for keeping women safe**. For this reason, **activists desiring the complete dismantling of the criminal legal system recognize that the discussion must be grounded in reality.** **The** criminal **legal system has been a lifesaver for many battered women,** including women **of** color. Women, **even from the most disadvantaged communities, routinely seek the help of law enforcement and courts when in crisis.** They also want the intervention to end when it is no longer needed. Unfortunately, when state power has been invited into, or forced into, the lives of individuals, it often takes over. Many people who call for assistance end up having no control over the intervention once it has entered their lives.

Perm – do the plan and \_\_ - if the alt solves squo discrimination, it can overcome a small expansion of those laws. We only close a loophole in an existing law, so we solve more of our impact.

Perm solves – the legal system is key in some instances for people of color even if generally it’s bad. **Morrison 6**

Adele M. Morrison [\* Associate Professor of Law, Northern Illinois University College of Law]. “Changing the Domestic Violence (Dis)Course: Moving from White Victim to Multi-Cultural Survivor.” University of California, Davis. Vol. 39: 1061. http://lawreview.law.ucdavis.edu/issues/39/3/deconstructing-image-repertoire-women-of-color/davisvol39no3\_morrison.pdf. JS.

**Creating** a multi-cultural **empowerment** continuum **does not mean eliminating** shelters or eliminating **the concept of success** (i.e. the win) **from the legal system**. It is about constructing a process and sustaining discourse that truly empowers, again, with women of color at the center. A multi-cultural process is one that incorporates the multi-cultural survivor into determining what defines success. This has been described as having victim-centric processes,211 but I prefer to refer to them as survivor-centric processes. The success is measured by whether or not the outcome is what the individual intended or wanted. Measuring success based on what the battered woman wants is multi-cultural because it means that the survivors who are involved will bring to bear their own cultural norms and standards into contexts of success. The discourse about a successful outcome to the process a battered woman goes through then becomes one measured not against a white standard, but one that is constructed by women of color. 3. The Multi-Cultural Survivor and Legal Practice One may wonder what effect constructing a multi-cultural discourse will have on domestic violence legal practice. The discourse around identity and process has been reconstructed to define the multi-cultural survivor working her way through a multi-cultural empowerment continuum. As part of the empowerment continuum, she encounters legal practice. As currently constructed, domestic violence law — made up of structure, substance and procedure — is racialized white. Creating a multi-cultural structure means building a system that recognizes there are barriers to access that are racialized. The job is first to educate the system’s actors on the issues; second, to identify what actions need to be taken and; finally, to implement that action plan. Because local communities are different, this is a task best left to local communities made up of domestic violence service providers and advocates and activists within communities of color rather than having the entire movement attempt a universal overhaul. As noted above, community-focused solutions may themselves be multi-cultural if communities of color are involved. The process of obtaining an order of protection can illustrate the idea of reconstructing the discourse around legal practice, and the practice itself, as multi-cultural. In these cases addressing barriers to access for women of color may be as simple as addressing the location of where orders can be obtained. **A county could locate courtrooms dedicated to issuing orders of protection in of-color neighborhoods, thus making them easily accessible to community members** as long as safety is the first priority. **Ensuring access to lawyers and legal information is another simple solution**. **Having translators and child care available** can also help make remedies more readily obtainable.212 Such practical changes in structure show that **the legal system is**, and those who make up the legal system are, **more open to serving a broader range of battered women.** **This** newly found **openness could lead to changes in domestic violence legal discourse because it indicates a reconstruction of the identity of the battered woman.** Making access to restraining orders easier for a diversity of individuals indicates recognition that these individuals need those orders. This recognition speaks to the notion that the law acknowledges that more women than just white women are battered. Making the law more substantively multi-cultural may actually be one aspect of the legal system already in effect to a limited extent. As noted before, domestic violence laws talk the multi-cultural talk. This is illustrated by the fact that domestic violence laws are not racially exclusive, though not specifically racially inclusive.213 However, the face of the law is not the problem. The difficulty comes when laws are written with certain requirements that result in a differential impact on women of color. This may include defining persons who have standing to seek orders as citizens of the United States who reside in a given state. This definition excludes non-citizens, who may be disproportionately Asian or Latina. Another example may be a statute indicating that evidence of physical injury is a factor that shall or may be taken into consideration when granting an order of protection. This may exclude darker-skinned women with injuries that are not visible to a judge at the time of the order of protection hearing. Construction of multi-cultural domestic violence law substance may not be as simple as redefining laws to specifically include women of color. Many of the problems lie not in the words themselves, but in the practices of the courts.214 This brings us to the order of protection procedure. The practices of the legal system, from local to supreme court rules, leave much discretion in judges’ hands. There have been numerous calls for judicial training regarding domestic violence.215 Some judicial organizations have provided an opportunity for judges to heed that call through the provision of bench books, articles, and training.216 Training on cultural sensitivity should also be part of this education. The inclusion of issues particular to battered women of color would begin to send a message that their issues were taken seriously, thus affecting the discourse, which may, in turn, affect the practice. Fundamentally, the discourse of domestic violence legal practice is the most difficult to reconstruct. But at the same time, a reconstructed identity and process (of which legal practice is part) will have a major impact on the law itself. A system that needs a victim who has a consistent story cannot help but change when the person before it is no longer constructed as a white victim but as a multi-cultural survivor. The legal practices will be altered when the empowerment continuum process of which they are a part, focuses on the survivor as an autonomous decision maker instead of a helpless victim who needs the system to make decisions for her. Much of the focus of the domestic violence movement to this point has been on creating, enhancing and outright changing domestic violence law and legal practices.217 The aim of this Article is to change the discourse around domestic violence, which, in turn, will have an effect on the law itself.

They’ve conceded **Vojdik 07 –** individual criticism and rejection of political activism privatizes IPV which makes it impossible to stop – this is a reactionary strategy that mirrors the right wing public/private dichotomy.

We recognize larger structures of anti blackness but gun control is a key aspect of critiquing racist status quo. **Cooper 15**

Brittney Cooper [a contributing writer at Salon, and teaches Women's and Gender Studies and Africana Studies at Rutgers.] “The gun crisis we aren’t talking about: Black women are under attack — and America doesn’t care” Salon. October 21, 2015. CC

The Black Lives Matter Movement has popularized a statistic released a few years ago in a report by the Malcolm X Grassroots Movement. The report found that a Black person is killed every 28 hours by a law enforcement officer or vigilante. A new study released by the Violence Policy Center provides another alarming statistic: Once every 21 hours, a Black woman is a victim of fatal intra-racial violence by a male perpetrator. According to that study, which tracks the number of women killed by men each year, more than 1,600 women were murdered by men in single victim/single offender incidents in 2013. (Because the study only accounts for wives, ex-wives or current girlfriends, taking ex-girlfriends into account would surely make that number even higher.) Ninety-four percent of these women were killed by men they knew and 62 percent were wives or intimate acquaintances of their killers. Black Americans make up 14 percent of the population, and yet, of those 1,600 murders, 453 — or 28 percent — were black women. Of those 453 murders, 416 were intra-racial. Thus: Once every 19 hours a Black woman is killed by a man. Once every 21 hours a Black woman is killed by a Black man. 92 percent of the time she knows her murderer. 56 percent of the time, she is wife, ex-wife or girlfriend of her killer. The study does not account for ex-partners or ex-girlfriends, a fact which would surely make that percentage skew higher. In these incidents, the most common weapon used was a gun. \* \* \* Far too often when we speak about our national epidemic of gun violence, our outrage is tethered to sensational cases, like the killing of the Charleston 9 or the recent slaughter of students at an Oregon community college. After these incidents occur, we commence our usual handwringing about the culture of gun violence. Existing discourses about violent crime continue to make Black women intersectionally invisible. Within Black political discourses, the focus on intracommunal and intraracial crime usually centers on violent neighborhood-based crime, perpetrated by young men. Within our broader national conversation about gun control, female victims of lethal intimate partner violence are rarely the driving force for the conversation. And within our broader national narrative about Black lives, we focus primarily on the high number of killings of Black male victims by police. Talking about domestic violence in Black communities when appalling stories like the police killing of Corey Johnson emerge seems like a hard call to make. The statistics from the Violence Policy Center do not take into account the epidemic of murders of trans women of color that LGBTQ activists have brought to our attention in the last several years. On October 15, a young man of color fatally shot Zella Ziona, a trans Black woman, after their friendship became public knowledge. We have had over 20 such murders of trans people this year, most of them women of color. Sometimes these women are victims of targeted hate crimes by cisgender men who seek to police and punish trans women for daring to occupy public space. Sometimes these men have had intimate or sexual interactions with transwomen, after which they choose to enact brutal and transphobic forms of violence. Intimate partner violence is always about power and control, and Black feminist theorists have long named the particular vulnerabilities that (cisgender) Black women in heterosexual partnerships face when their husbands or significant others are structurally foreclosed access to the privileges of patriarchy. Black men don’t just take out their frustrations about white supremacy and white male privilege on other Black men; they come home and take it out on the bodies of women they claim to love. To be clear, most crime is intra-racial, despite conservative public narratives about Black-On-Black crime. So in naming the problem of fatal domestic violence that we have in Black communities, I am not attempting to pathologize Black people. People commit crime where they live, against those in closest proximity to them. But uninterrogated masculinity is a violent enterprise, period. It does not matter the race (or the sex) of the body opting to perform masculinity. If the person does not question what masculinity means, then misogyny, violence, domination and control are par for the course. Even our national political discourse on guns frequently pits one group of men arguing with another group men over their right to have access to guns. But women will not be safe until we create a comprehensive national framework for thinking about domestic violence as structural and state-sanctioned violence. Gabby Giffords’ new Women’s Coalition for Common Sense (on which I serve) is doing work to make the connection between guns and domestic violence, and it is work I applaud. If the state refuses to regulate guns, it continues to support and facilitate a culture where all its citizens are vulnerable to victimization, women and children being chief among them. At the same time, Black political discourses about the value of Black life have severe blind spots when they fail to consider domestic violence as a form of structural and state-sanctioned violence, in which cisgender Black men collude with the state against the well-being of Black women and girls, cis and trans. We are long overdue for creating a comprehensive framework for talking about violence toward Black women, trans\* and cis, that takes into account these forms of structural vulnerability. That conversation will necessarily demand that we interrogate the violent, limited, and narrow forms of masculinity which Black men are asked to perform in churches, in politics, and in cultural production. But while Black communities engage in that work, we need comprehensive gun control legislation. Too many Black (women’s) lives are circumscribed by the barrel of a too-easily accessible handgun. Like the vast majority of Black people I know, I am intimately aware of the way that both women and men in Black communities lose when we fail to demand a shift in the culture of patriarchal violence. I lost my father to gun violence, after he was trying to protect a woman he was dating from a man she knew who had a gun and a temper. Another of my close female relatives survived horrific gun violence at the hands of an intimate partner. And one of my siblings is now co-parenting her partner’s son, because his mother was stalked and murdered by her male intimate partner last year. The brutalization of Black women is quotidian. The murders of cis and trans\* women are usually not committed by the police or by vigilantes. Because of this, these deaths don’t galvanize national movements. Black women are taught to protect the embattled social image of Black men at all costs, even at the cost of our own lives, so we frequently refuse to tell the truth about the levels of brutality we experience. But any time I’m sitting in a room with more than three Black women, if I sit long enough, all three can tell a story of some form of horrific physical or sexual violence that she or another woman whom she cares deeply about has experienced. The truth of it is this: Once a day and something like twice on Sundays, a Black man takes a Black woman to meet her maker. Now we are not solely responsible for this monstrous terrain of Black intimacies. Black folks rarely get to love other Black folks on their own terms. We know Black men are not monsters. We don’t need or require Black women to be angels. But our shared intimate terrain has become a killing field, and this is simply no way to live. Together, in community, we must figure our way out of no way.

A2 Reps

Representational politics that ignore material consequences of the plan are anti black – that we represented one thing badly doesn’t matter if the plan ends real cycles of abuse

Reps don’t turn material conditions – squo policies are flooded with bad reps of black people so it’s non unique - the plan solves more of our impact

A2 Scott

Scot is Fanonian afropessimism based on the white libidinal economy – this is a performative double turn that means they lose. **Evans 15**

Evans 15 (Rashad, JD Two-time first round debater. CEDA Champion, NDT Semifinalist, and Championship Head coach, “On Flipping Aff & Being Black,” July 31st, 2015, [http://www.rwesq.com/on-flipping-aff-being-black/)](http://www.rwesq.com/on-flipping-aff-being-black/)//ghs-VA)

I walked away from debate camp this year thinking about a few interactions that I had with the students. This year’s HS debate topic is very interesting. There are many ways to discuss federal surveillance. My lab worked on two affirmative arguments: a critical affirmative to resist the TSA’s use of whole body imagine in airports and a policy affirmative to repeal the federal Real ID Act. In addition to these Affirmative’s we researched two negative positions: Black Nihilism and Settler Colonialism. The theme of the theory and criticism lab was to consider the resolution from the perspective of the Black people, Native people and Transgender people…whatever that means. It was obvious during the course of camp that the students struggled with the Settler Colonialism argument. The alternative required decolonization in a non-metaphorical sense including returning the land. The debaters did not fully understand this in their first debates choosing to argue for all kinds of decolonizing of the mind, the debate space or pedagogy and everything under the sun except giving the land back. When the true alternative was explained the debaters had extreme problems with advocating for giving the land back while being on the land or simply with thinking about giving the land back. They could not conceptualize the alternative (even though it seems simple) and they did not feel comfortable advocating it as a result. Despite having great specific link arguments (Smith ’15), a clear impact (genocide) and clear alternative it was sometimes an uphill battle convincing these debaters to run Settler Colonialism as their main Kritik argument. Such was not the case with Black Nihilism. The debaters actually picked this argument up with some ease. Of course, the argument beneath the Nihilism argument is afro-pessimism. This is a super popular debate argument already so I can see how it might be attractive to young debaters. However, I wonder why there was no similar cognitive dissonance for the debaters before arguing in favor of a radical Black argument which principally focuses on white violence and the necessity of a Black revolution. I listened to the debates just as I have listened to many college debates on the argument and it became clear to me that the kids did not get the argument. The argument had been reduced to: it sucks to be the Black body. I consistently hear debaters saying things like “the Back body can never…” “the Black body always…”"…to the Black body.” The is actually a reprieve from those debaters who would sometimes insert slave instead of Black body. In any event, non-Black debaters tend to use the pessimism argument to reduce Black people to a body or slave or simply an object. This is kinda the argument. But, this is the perversity of the argument in the hands of non-black debaters. One important move of afro-pessimism is to focus on anti-blackness as opposed to or in addition to white supremacy. The idea is that the world is anti-black and that anti-blackness is: (1) bigger than individual acts, (2) about more than white people and (3) foundational to humanity and civil society. In other words, all white people are implicated no matter how good or nice they are and so are non-white, non-Black people and no good can come of this world. However, that focus on anti-blackness and what makes the Black experience unique has also become an excuse for non-Black debaters to only focus on how “the Black body” is positioned by violence without theorizing about who is doing the positioning. In addition, if the world is always already anti-black then it can be difficult to see how any individual debater, judge or coach might be actually participating in anti-blackness, particularly as they engage with each other on the everyday. And, that humanity and civil society is fundamentally anti-black is merely an opportunity to explain why it has always sucked to be Black and not an opportunity to explain that the only way to affirm Blackness is to upend the entire world and at least includes a violent war against white people. Afropessimism is nothing if not an affirmation of blackness. It includes a negation of the world, but it is principally an affirming argument. For Black people. A white afropessimist makes no sense. White afropessimism is just anti-blackness. If you are a white afro-pessimist you should understand that your existence is complicit in violence against Black people and/or that your non-existence is a necessity to Black liberation. Under no circumstances should you understand your role to be to spread the gospel of pessimism further. Your engagement with the argument will always be theoretical (you have no relevant experience), redundant (you can never be additive to this conversation) and objectifying (reducing black people to objects of study). Afropessimism is an argument about why Black people should be the subjects of the debate. It is about how Black people are always already the subject of all debates but excluded from them as such. It is not about white people. All of this assumes that we are taking the argument seriously and not speaking in metaphorical terms, something Eve Tuck warns against in the context of settler colonialism. Both the Settler Colonialism and Black Nihilism arguments rely significantly on Fanon. And Fanon’s main point is that the native/colonialist and/or black/white cannot coexist. In practical terms, this meant that Black liberation in Africa required a violent war to the end. It’s an either/or life or death choice for both sides. But, understanding that anti-black violence is foundational is to understand that you have to fight back in literal terms. To end the world is to end the world. I am not certain that debaters fully understand the implications of such. If the students in my lab understood this they would have found the Black Nihilism argument as difficult as the Settler Colonialism argument. But they did not, partially because they were introduced to the argument from the perspective of Gramsci and a theory of civil society and not from Fanon and everyday anti-Black violence, but also because I didn’t take the time to explain the argument fully. Under no circumstances should non-Black debaters be taught to advocate for afro-pessimism from a non-Black person. And under no circumstances should two white boys think they have a better shot flipping negative and running afropessimism than reading their own Aff (something I had to explain before a quarters debate at the camp tournament). When that happens something has gone wrong.

A2 Welfare link

No reps link – they can’t point to one specific time we represent black families in crisis

The status quo already has laws against abuse in non cohabitating relations which is the excuse to take away welfare – taking away guns doesn’t take away more welfare

Welfare laws only apply to married couples - we add gun bans for dating relationships which doesn’t increase the definition of families on welfare

A2 Leonard

We don’t individualize IPV causes – we agree that it’s structural and perpetuated by anti blackness.

No link – we don’t arrest black people – we just don’t let convicted abusers buy guns

Non unique – racist police officers have all the excuses they need – they’re not like “oh darn I don’t have a way to target blacks, thank god for this one IPV loophole”, and there’s a massive war on drugs now so there would be an enforcement resource tradeoff

**A2 Masculine Strategy**

This is victim blaming – the aff is a form of survival tactics for survivors and you’re telling them they shouldn’t do it otherwise men will get mad.

Begs question of empirical solvency – if we win homicide goes down then plan solvency accounts for any backlash.

A2 Kandaswamy

Abusers are already determined guilty – there’s no link differential between the AFF and the squo

Our AFF doesn’t force women to engage with the state we just take guns from abusers.

A2 Community Alt

Communities don’t stop violence. **Eng ’03:**

Patricia Eng. “Safety and Justice for All: Examining the Relationship Between The Women’s Anti-Violence Movement and the Criminal Legal System.” 2003. http://www.ncdsv.org/images/Ms\_SafetyJusticeForAll\_2003.pdf. JS.

Many **communities are not safe havens** for women. In fact, **the battered women’s movement turned to the** criminal **legal system** for women’s protection **in part because communities** had **failed to support** and safeguard [survivors] victims **and did not hold perpetrators** **accountable**. Therefore, we cannot assume that turning to the community will automatically enhance social justice and safety for women. New models of community engagement are clearly needed. **Many** individual **battered women depend on the police** officer **to show up** at their door when they are **in crisis**. In this context, **what alternate structures can be offered to protect women from violence**? What is a new scenario for keeping women safe? **What is significantly different** now **for us to believe that community intervention would be effective** at this time? Is it feasible to expect individual and collective accountability from the community? With all the work that has occurred over the last 30 years, is there an updated starting point or frame of reference within the community for effective intervention and prevention? What would a community need to organize and undertake issues of social justice, safety of women, and accountability of batterers?

A2 Criticize Alt

This is ivory tower – it doesn’t stop people from getting abused and endless questioning power dynamics doesn’t result in a tangible strategy without a clear explanation of exactly what state structures they change

Extra

We challenge negative racial stereotypes and understand IPV as systemic, cutting across race. **Crenshaw 93**

- we’re not race focus which solves the links – black communtiies won’t be targeted since we represent it as a problem equally for all communities

Kimberlee Williams Crenshaw. [Prof. of Law at UCLA.] “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.” Stanford Law Review. Vol. 43: 1241.

Not only do **race-based priorities** function to **obscure the problem of violence suffered by women of color**; certain **rhetorical strategies directed at politicizing violence against women may** also **reproduce the political marginalization of women of color**. Strategies for increasing awareness of domestic violence tend to begin by citing the commonly shared assumption that battering is a problem located in the family of the “other”-namely, poor and/or Minority families. The strategy then focuses on demolishing the straw man, stressing that spousal abuse also occurs in white elite communities. Some authorities are explicit in renouncing the 11 stereotypical myths about battered women (Women and Violence Hearings, 1991, pt. 2, p. 139). A few commentators have even transformed the message that **battering is not *exclusively* a problem of the poor or minority communities** into a claim that **it *equally* affects all races and classes** (Borgmann 1990). That battering occurs in families of all races and all classes seems to be an ever-present theme of anti-abuse campaigns. (Women and Violence Hearings, 1991 pt. 1, p. 101; pt 2, pp. 89, 139). First-person anecdotes and studies, for example, consistently assert that battering cuts across racial, ethnic, economic, education, and religious lines. (Walker 1989; pp. 10 1-2; Straus, Gelles and Steinmetz 1980, p. 31; Clark 1987, p. 182 n 74). Countless first-person stories begin with a statement like, “I was not supposed to be a battered wife.” The inference, of course, is that there *is*  a more likely vision of a battered spouse, one whose race or class background contrasts with the identity of the speaker to produce the irony. **Playing on the contrast between myths about and realities of violence functions effectively to challenge beliefs about the occurrence of [IPV]** domestic violence **in American society.** Yet this tactic is tricky business, one that may simultaneously reify and erase “othered” women as victims of domestic abuse. It is clear, on the one hand, that **attacking the stereotypes underlying dominant conceptions of domestic violence is both a feminist and antiracist strategy.** By pointing out that violence is a universal problem, elites are deprived of their false security, while non-elite families are given reason not to be unduly defensive. Moreover, all battered women may well benefit from knowing that they are far from alone. But there is, nonetheless, a thin line between debunking the stereotypical beliefs that only poor or minority women are battered, and pushing them aside to focus on victims for whom mainstream politicians and media are more likely to express concern. While it is unlikely that advocates intend to play into these sensibilities-the rhetoric about and representations of battered women produced by power elites provide some grounds for concern.

Perm – do the plan and criticize the state’s power relations that create IPV and racism – solves best. **Bailey 11**

- we don’t legitimate the state we use both strategies strategically, otherwise we can’t use it as a tool

Kimberly D. Bailey. “Lost in Translation: Domestic Violence, ‘The Personal is Political,’ and the Criminal Justice System.” 2011. THE JOURNAL OF CRIMINAL LAW & CRIMINOLOGY, Vol. 100, no. 4.

**Feminists who advocated for a strong criminal justice response to domestic violence also recognized that arrest alone was not going to curb this problem**; criminalization would be meaningless if victims did not also have access to housing, jobs, and social support systems.151 Furthermore, **these feminists were interested in deconstructing the political structures that subordinate women and keep them vulnerable to violence.**152 147 Id. at 64–65. Thus, the high lack of engagement of domestic violence victims highlights the fact that **while the criminal justice system is an important tool, it is** an extremely **limited** one. There are social, political, and economic aspects of domestic violence that cannot be addressed within the criminal justice system itself. These factors also constrain some victims’ ability or willingness to fully engage with and take advantage of the criminal justice system. Thus, **while activists and scholars should continue to advocate for improvements within the criminal justice system, they should also view this system as a** very limited **tool that should be part of a broader set of** social, political, and economic **policies**.

Alt fails - critique is insufficient to challenge gender violence. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

### A2 IPV State Violence K

Perm – do the plan and open up faith in alternative methods of empowerment – solves best. **Bailey 11**

- we don’t legitimate the state we use both strategies strategically, otherwise we can’t use it as a tool

Kimberly D. Bailey. “Lost in Translation: Domestic Violence, ‘The Personal is Political,’ and the Criminal Justice System.” 2011. THE JOURNAL OF CRIMINAL LAW & CRIMINOLOGY, Vol. 100, no. 4.

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State rejection condones massive IPV. **Eng 03**

Patricia Eng. “Safety and Justice for All: Examining the Relationship Between The Women’s Anti-Violence Movement and the Criminal Legal System.” 2003. http://www.ncdsv.org/images/Ms\_SafetyJusticeForAll\_2003.pdf.

**If**, instead, the belief is that **the criminal legal system is essentially flawed and incapable of** administering **justice**, **the only alternative** left **is to dismantle it**. Choosing **this** route **means developing an adversarial relationship with the state and legal system**, joining the growing movements challenging the prison system. **This course of action** has implications far beyond addressing violence against women, yet **offers no obvious mechanisms for keeping women safe**. For this reason, **activists desiring the complete dismantling of the criminal legal system recognize that the discussion must be grounded in reality.** **The** criminal **legal system has been a lifesaver for many battered women,** including women **of** color. Women, **even from the most disadvantaged communities, routinely seek the help of law enforcement and courts when in crisis.** They also want the intervention to end when it is no longer needed. Unfortunately, when state power has been invited into, or forced into, the lives of individuals, it often takes over. Many people who call for assistance end up having no control over the intervention once it has entered their lives.

If the alt solves squo discrimination, it can overcome a small expansion of those laws. We only close a loophole in an existing law, so we solve more of our impact.

Communities don’t stop violence. **Eng 03**

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Perm solves – the legal system is key in some instances for people of color even if generally it’s bad. **Morrison 6**

Adele M. Morrison [\* Associate Professor of Law, Northern Illinois University College of Law]. “Changing the Domestic Violence (Dis)Course: Moving from White Victim to Multi-Cultural Survivor.” University of California, Davis. Vol. 39: 1061. http://lawreview.law.ucdavis.edu/issues/39/3/deconstructing-image-repertoire-women-of-color/davisvol39no3\_morrison.pdf. JS.

**Creating** a multi-cultural **empowerment** continuum **does not mean eliminating** shelters or eliminating **the concept of success** (i.e. the win) **from the legal system**. It is about constructing a process and sustaining discourse that truly empowers, again, with women of color at the center. A multi-cultural process is one that incorporates the multi-cultural survivor into determining what defines success. This has been described as having victim-centric processes,211 but I prefer to refer to them as survivor-centric processes. The success is measured by whether or not the outcome is what the individual intended or wanted. Measuring success based on what the battered woman wants is multi-cultural because it means that the survivors who are involved will bring to bear their own cultural norms and standards into contexts of success. The discourse about a successful outcome to the process a battered woman goes through then becomes one measured not against a white standard, but one that is constructed by women of color. 3. The Multi-Cultural Survivor and Legal Practice One may wonder what effect constructing a multi-cultural discourse will have on domestic violence legal practice. The discourse around identity and process has been reconstructed to define the multi-cultural survivor working her way through a multi-cultural empowerment continuum. As part of the empowerment continuum, she encounters legal practice. As currently constructed, domestic violence law — made up of structure, substance and procedure — is racialized white. Creating a multi-cultural structure means building a system that recognizes there are barriers to access that are racialized. The job is first to educate the system’s actors on the issues; second, to identify what actions need to be taken and; finally, to implement that action plan. Because local communities are different, this is a task best left to local communities made up of domestic violence service providers and advocates and activists within communities of color rather than having the entire movement attempt a universal overhaul. As noted above, community-focused solutions may themselves be multi-cultural if communities of color are involved. The process of obtaining an order of protection can illustrate the idea of reconstructing the discourse around legal practice, and the practice itself, as multi-cultural. In these cases addressing barriers to access for women of color may be as simple as addressing the location of where orders can be obtained. **A county could locate courtrooms dedicated to issuing orders of protection in of-color neighborhoods, thus making them easily accessible to community members** as long as safety is the first priority. **Ensuring access to lawyers and legal information is another simple solution**. **Having translators and child care available** can also help make remedies more readily obtainable.212 Such practical changes in structure show that **the legal system is**, and those who make up the legal system are, **more open to serving a broader range of battered women.** **This** newly found **openness could lead to changes in domestic violence legal discourse because it indicates a reconstruction of the identity of the battered woman.** Making access to restraining orders easier for a diversity of individuals indicates recognition that these individuals need those orders. This recognition speaks to the notion that the law acknowledges that more women than just white women are battered. Making the law more substantively multi-cultural may actually be one aspect of the legal system already in effect to a limited extent. As noted before, domestic violence laws talk the multi-cultural talk. This is illustrated by the fact that domestic violence laws are not racially exclusive, though not specifically racially inclusive.213 However, the face of the law is not the problem. The difficulty comes when laws are written with certain requirements that result in a differential impact on women of color. This may include defining persons who have standing to seek orders as citizens of the United States who reside in a given state. This definition excludes non-citizens, who may be disproportionately Asian or Latina. Another example may be a statute indicating that evidence of physical injury is a factor that shall or may be taken into consideration when granting an order of protection. This may exclude darker-skinned women with injuries that are not visible to a judge at the time of the order of protection hearing. Construction of multi-cultural domestic violence law substance may not be as simple as redefining laws to specifically include women of color. Many of the problems lie not in the words themselves, but in the practices of the courts.214 This brings us to the order of protection procedure. The practices of the legal system, from local to supreme court rules, leave much discretion in judges’ hands. There have been numerous calls for judicial training regarding domestic violence.215 Some judicial organizations have provided an opportunity for judges to heed that call through the provision of bench books, articles, and training.216 Training on cultural sensitivity should also be part of this education. The inclusion of issues particular to battered women of color would begin to send a message that their issues were taken seriously, thus affecting the discourse, which may, in turn, affect the practice. Fundamentally, the discourse of domestic violence legal practice is the most difficult to reconstruct. But at the same time, a reconstructed identity and process (of which legal practice is part) will have a major impact on the law itself. A system that needs a victim who has a consistent story cannot help but change when the person before it is no longer constructed as a white victim but as a multi-cultural survivor. The legal practices will be altered when the empowerment continuum process of which they are a part, focuses on the survivor as an autonomous decision maker instead of a helpless victim who needs the system to make decisions for her. Much of the focus of the domestic violence movement to this point has been on creating, enhancing and outright changing domestic violence law and legal practices.217 The aim of this Article is to change the discourse around domestic violence, which, in turn, will have an effect on the law itself.

They’ve conceded **Vojdik 07 –** individual criticism and rejection of political activism privatizes IPV which makes it impossible to stop – this is a reactionary strategy that mirrors the right wing public/private dichotomy.

Alt fails - critique is insufficient to challenge gender violence. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

### A2 Queer Pessimism K

None of the links prove the plan uniquely is anti queer, just the SQUO. If I win any risk the plan specifically is good, perm pass the plan and \_\_\_ is the best option. The AFF is a pre requisite to the alt - IPV is a material problem in queer communities fractures social identity and makes individuals turn inward instead of resist oppression – that’s O’Doherty.

If the alt solves all the structures of the squo it definitely can overcome the tiny change of the AFF

Multiple examples of successful reform that prove overall trends – gay rights movements led to anti discrimination and decriminalization laws that were a step in the right direction

Overkill examples are affectively appealing but don’t explain all of anti queer violence or why we shouldn’t stop proximate causes of suffering – empirically taking guns away from abusers reduces IPV and not all anti queer violence is irrational

Negativity creates cycles of melancholy politics which lock in violence. **Snediker 06**

(Michael, Visiting Assist. Prof. of American Literature @ Mount Holyoke College, *Queer Optimism*, pgs. 4)

My critical project arises from a sense that queer theory, for all its contributions to our understandings of affect, has had far more to say about negative affects than positive ones. Furthermore, that in its attachment to not taking personhood qua personhood for granted, queer theory's suspicious relation to persons has itself become suspiciously routinized, if not taken for granted in its own right. Risking charges of producing but another reductive binary, I shall for present, heuristic purposes be calling this tropaic gravitation toward negative affect and depersonation queer pessimism. It's worth noting that queer pessimism has as little truck with conventional pessimism as queer optimism has with optimism, per se. Still, queer theory's habitation of this pessimistic field is cause for real concern. Melancholy, self-shattering, shame, the death drive: these, within queer theory, are categories to conjure with. These terms and the scholarship fueled by them do not in and of themselves comprise queer theory. To argue that they do caricatures both queer theory and the theorists who have put these terms on the map. These terms - this queer-pessimistic constellation - nonetheless have dominated and organized much of queer-theoretical discourse, even as they have often seemed immune to queer theory's own perspicacities.

Their psychoanalysis args expose violence’s contingent nature. **Johnson 05**

- libid econ proves its contingency - dynamic intentions and contradicitons at the core of our desires make them malleable and vulnerable to change and critique

Johnson 05 – (2005, Adrian, PhD from SUNY-Stony Brook, Professor in the Department of Philosophy at the University of New Mexico at Albuquerque and a faculty member at the Emory Psychoanalytic Institute in Atlanta, “Time Driven: Metapsychology and the Splitting of the Drive,” p. 340-1)

Despite the apparent bleakness and antiutopianism of an assessment of human nature as being perturbed by an irreducible inner antagonism, there is, surprisingly, what might be described as a liberating aspect to this splitting of the drives. Since drives are essentially dysfunctional, subjects are able to act otherwise than as would be dictated by instinctually compelled pursuits of gratification, satisfaction, and pleasure. In fact, subjects are forced to be free, since, for such beings, the mandate of nature is forever missing. Severed from a strictly biological master-program and saddled with a conflict-ridden, heterogeneous jumble of contradictory impulses—impulses mediated by an inconsistent, unstable web of multiple representations, indicated by Lacan's “barring” of the Symbolic Other—the parlêtre has no choice but to bump up against the unnatural void of its autonomy. The confrontation with this void is frequently avoided. The true extent of one's autonomy is, due to its sometimes-frightening implications, just as often relegated to the shadows of the unconscious as those heteronomous factors secretly shaping conscious thought and behavior. The contradictions arising from the conflicts internal to the libidinal economy mark the precise places where a freedom transcending mundane materiality has a chance briefly to flash into effective existence; such points of breakdown in the deterministic nexus of the drives clear the space for the sudden emergence of something other than the smooth continuation of the default physical and sociopsychical “run of things.” Moreover, if the drives were fully functional—and, hence, would not prompt a mobilization of a series of defensive distancing mechanisms struggling to transcend this threatening corpo-Real—humans would be animalistic automatons, namely, creatures of nature. The pain of a malfunctioning, internally conflicted libidinal economy is a discomfort signaling a capacity to be an autonomous subject. This is a pain even more essential to human autonomy than what Kant identifies as the guilt-inducing burden of duty and its corresponding pangs of anxious, awe-inspiring respect. Whereas Kant treats the discomfort associated with duty as a symptom-effect of a transcendental freedom inherent to rational beings, the reverse might (also) be the case: Such freedom is the symptom-effect of a discomfort inherent to libidinal beings. Completely “curing” individuals of this discomfort, even if it were possible, would be tantamount to divesting them, whether they realize it or not, of an essential feature of their dignity as subjects. As Lacan might phrase it, the split Trieb is the sinthome of subjectivity proper, the source of a suffering that, were it to be entirely eliminated, would entail the utter dissolution of subjectivity itself. Humanity is free precisely insofar as its pleasures are far from perfection, insofar as its enjoyment is never absolute.

Reformism makes critique of the state more effective – they are too abstract and don’t solve anything. **Heiner 03**

* we can use the law without moralizing it for short term strategic needs
* need to free ppl inside who are being oppressed the most – abandoning the state lets that keep happening

(Brady Heiner is a doctoral student in philosophy at the State University of New York at Stony Brook. He is currently guest editing a special issue of Continental Philosophy Review Source: Social Justice, Vol. 30, No. 2 (92), War, Dissent, and Justice: A Dialogue (2003), pp. 98-101Published by: Social Justice/Global OptionsStable URL: http://www.jstor.org/stable/29768191 .)

However, we must acknowledge that the line between reformist practices and abolitionist practices is not a definitive one. For example, though the ultimate goal of an abolitionist movement is the total negation of the capitalist state-form, this long-term objective must not prevent us from engaging in a host of immediate struggles to secure the survival and quality of life of those currently imprisoned. We must not allow our expansive vision to blind us to the immediate struggles of those presently locked down by the system. A movement that fails to engage in these types of struggles is at odds with the interests of those on the inside, those for whom these immediate struggles are of utmost urgency.2 A properly radical/ abolitionist movement must work incessantly to suture the divide (both actual and virtual) between the inside and the outsideof the prison, and, more generally, between the local and the global.

Anti-humanism produces racism and the worst atrocities in history. **Lester 12**

* anti humanism justification for biologically determined racism and genocide
* humanism not inherently bad – recognizing common human characteristic can still understand that marganilized groups are targeted more but we can’t deem them animals and kill them

Lester 12 – (January 2012, Alan, Director of Interdisciplinary Research, Professor of Historical Geography, and Co-Director of the Colonial and Postcolonial Studies Network, University of Sussex, “Humanism, race and the colonial frontier,” Transactions of the Institute of British Geographers, Volume 37, Issue 1, pages 132–148)

Anderson argues that it is not an issue of extending humanity to … negatively racialised people, but of putting into question that from which such people have been excluded – that which, for liberal discourse, remains unproblematised. (2007, 199) I fear, however, that if we direct attention away from histories of humanism’s failure to deal with difference and to render that difference compatible with its fundamental universalism, and if we overlook its proponents’ failed attempts to combat dispossession, murder and oppression; if our history of race is instead understood through a critique of humanity’s conceptual separation from nature, we dilute the political potency of universalism. Historically, it was not humanism that gave rise to racial innatism, it was the specifically anti-humanist politics of settlers forging new social assemblages through relations of violence on colonial frontiers. Settler communities became established social assemblages in their own right specifically through the rejection of humanist interventions. Perhaps, as Edward Said suggested, we can learn from the implementation of humanist universalism in practice, and insist on its potential to combat racism, and perhaps we can insist on the contemporary conceptual hybridisation of human–non-human entities too, without necessarily abandoning all the precepts of humanism (Said 2004; Todorov 2002). We do not necessarily need to accord a specific value to the human, separate from and above nature, in order to make a moral and political case for a fundamental human universalism that can be wielded strategically against racial violence. Nineteenth century humanitarians’ universalism was fundamentally conditioned by their belief that British culture stood at the apex of a hierarchical order of civilisations. From the mid-nineteenth century through to the mid-twentieth century, this ethnocentrism produced what Lyotard describes as ‘the flattening of differences, or the demand for a norm (“human nature”)’, that ‘carries with it its own forms of terror’ (cited Braun 2004, 1352). The intervention of Aboriginal Protection demonstrates that humanist universalism has the potential to inflict such terror (it was the Protectorate of Aborigines Office reincarnated that was responsible, later in the nineteenth and twentieth centuries, for Aboriginal Australia’s Stolen Generation, and it was the assimilationist vision of the Protectors’ equivalents in Canada that led to the abuses of the Residential Schools system). But we must not forget that humanism’s alternatives, founded upon principles of difference rather than commonality, have the potential to do the same and even worse. In the nineteenth century, Caribbean planters and then emigrant British settlers emphasised the multiplicity of the human species, the absence of any universal ‘human nature’, the incorrigibility of difference, in their upholding of biological determinism. Their assault on any notion of a fundamental commonality among human beings has disconcerting points of intersection with the radical critique of humanism today. The scientific argument of the nineteenth century that came closest to post-humanism’s insistence on the hybridity of humanity, promising to ‘close the ontological gap between human and non-human animals’ (Day 2008, 49), was the evolutionary theory of biological descent associated with Darwin, and yet this theory was adopted in Aotearoa New Zealand and other colonial sites precisely to legitimate the potential extinction of other, ‘weaker’ races in the face of British colonisation on the grounds of the natural law of a struggle for survival (Stenhouse 1999). Both the upholding and the rejection of human–nature binaries can thus result in racially oppressive actions, depending on the contingent politics of specific social assemblages. Nineteenth century colonial humanitarians, inspired as they were by an irredeemably ethnocentric and religiously exclusive form of universalism, at least combatted exterminatory settler discourses and practices at multiple sites of empire, and provided spaces on mission and protectorate stations in which indigenous peoples could be shielded to a very limited extent from dispossession and murder. They also, unintentionally, reproduced discourses of a civilising mission and of a universal humanity that could be deployed by anticolonial nationalists in other sites of empire that were never invaded to the same extent by settlers, in independence struggles from the mid-twentieth century. Finally, as Whatmore’s (2002) analysis of the Select Committee on Aborigines reveals, they provided juridical narratives that are part of the arsenal of weapons that indigenous peoples can wield in attempts to claim redress and recompense in a postcolonial world. The politics of humanism in practice, then, was riddled with contradiction, fraught with particularity and latent with varying possibilities. It could be relatively progressive and liberatory; it could be dispossessive and culturally genocidal. Within its repertoire lay potential to combat environmental and biological determinism and innatism, however, and this should not be forgotten in a rush to condemn humanism’s universalism as well as its anthropocentrism. It is in the tensions within universalism that the ongoing potential of an always provisional, self-conscious, flexible and strategic humanism – one that now recognises the continuity between the human and the non-human as well as the power-laden particularities of the male, middle class, Western human subject – resides.

A discourse of hope for positive political change is good as a communal unifier even if it’s really bad now. **Friere 08**

* epistemology indict - neoliberalism creates the myth that state structures can’t change so that there is no resistance, but in reality popular resistance is enough to overcome it
* Fatalism and negativity immobilizes movements – the state may be really bad but even to have a movement that challenges it we need hope discourse

Freire 2k8 (Paulo, Interview with Cesar Rosatto Journal of Thought, Spring-Summer 2008 “Freire’s Understanding of History, Current Reality, and Future Aspirations: His Dream, Take on Ethics, and Pedagogy of Solidarity1” <http://journalofthought.com/Issues/2008vol43issue12pdf/22rossatto.pdf>)

PF: We need to stimulate and construct solidarity. The absence of solidarity, or indeed the opposite of solidarity, is a powerful force, which derives from the neo-liberal discourse. This neo-liberal discourse is spreading throughout the world, not only in Brazil and the U.S., but also all over the world today. It is a discourse that contains and reveals a political and ideological power that is, perhaps, stronger than the economic dimension of the discourse itself. It is a profoundly fatalistic discourse in that it relates to the interests of the popular masses, but not fatalistic at all when the interests at stake are those of the dominant minorities (which exclude women). A case in point: when you point out that it is absurd that at the end of the twentieth century there are enormous numbers of men and women dying from hunger, the fatalistic neo-liberal discourse tells us: “This is tragic, but there is nothing we can do. This is reality and there is little we can do to change it.” One may talk about world unemployment levels, and the fatalistic neo-liberal discourse tells us that the worldwide problem of unemployment is an unavoidable by-product of the economic realities of the late twentieth century. But that is not the case at all. No reality exists just because it must be so, without remedy. Social reality is not natural reality, but a historically induced reality. To confront this fatalistic attitude, which immobilizes people and forces them to adapt to the world, it is necessary to have a discourse of hope, a discourse of faith. CR: How might this concept be applied in an educational context? **PF**: We need to think of a discourse of searching, a discourse of affirmation that becomes reality through a practical solidarity. It is in this sense that I said to you, in the beginning of my answer, that solidarity is an imperative and cooperation is an imperative in the today’s historical context. It is necessary for us to develop pedagogy of solidarity, pedagogy of unity in diversity.

Their revolution gets crushed and causes massive material violence to queers. Flaherty 05

http://cryptogon.com/docs/pirate\_insurgency.html

USC BA in International Relations, researcher in political affairs, activist and organic farmer in New Zealand

ACS = American Corporate State

THE NATURE OF ARMED INSURGENCY AGAINST THE ACS Any violent insurgency against the ACS is sure to fail and will only serve to enhance the state's power. The major flaw of violent insurgencies, both cell based (Weathermen Underground, Black Panthers**,** Aryan Nations etc.) and leaderless (Earth Liberation Front, People for the Ethical Treatment of Animals, etc.) is that they are attempting to attack the system using the same tactics the ACS has already mastered: terror and psychological operations. The ACS attained primacy through the effective application of terror and psychological operations. Therefore, it has far more skill and experience in the use of these tactics than any upstart could ever hope to attain.4 This makes the ACS impervious to traditional insurgency tactics. - Political Activism and the ACS Counterinsurgency Apparatus The ACS employs a full time counterinsurgency infrastructure with resources that are unimaginable to most would be insurgents. Quite simply, violent insurgents have no idea of just how powerful the foe actually is. Violent insurgents typically start out as peaceful, idealistic, political activists. Whether or not political activists know it, even with very mundane levels of political activity, they are engaging in low intensity conflict with the ACS. The U.S. military classifies political activism as “low intensity conflict.” The scale of warfare (in terms of intensity) begins with individuals distributing anti-government handbills and public gatherings with anti-government/anti-corporate themes. In the middle of the conflict intensity scale are what the military refers to as Operations Other than War; an example would be the situation the U.S. is facing in Iraq. At the upper right hand side of the graph is global thermonuclear war. What is important to remember is that the military is concerned with ALL points along this scale because they represent different types of threats to the ACS. Making distinctions between civilian law enforcement and military forces, and foreign and domestic intelligence services is no longer necessary. After September 11, 2001, all national security assets would be brought to bear against any U.S. insurgency movement**.** Additionally, the U.S. military established NORTHCOM which designated the U.S. as an active military operational area. Crimes involving the loss of corporate profits will increasingly be treated as acts of terrorism and could garner anything from a local law enforcement response to activation of regular military forces. Most of what is commonly referred to as “political activism” is viewed by the corporate state's counterinsurgency apparatus as a useful and necessary component of political control. Letters-to-the-editor... Calls-to-elected-representatives... Waving banners... “Third” party political activities... Taking beatings, rubber bullets and tear gas from riot police in free speech zones... Political activism amounts to an utterly useless waste of time, in terms of tangible power, which is all the ACS understands. Political activism is a cruel guise that is sold to people who are dissatisfied, but who have no concept of the nature of tangible power. Counterinsurgency teams routinely monitor these activities, attend the meetings, join the groups and take on leadership roles in the organizations. It's only a matter of time before some individuals determine that political activism is a honeypot that accomplishes nothing and wastes their time. The corporate state knows that some small percentage of the peaceful, idealistic, political activists will eventually figure out the game. At this point, the clued-in activists will probably do one of two things; drop out or move to escalate the struggle in other ways. If the clued-in activist drops his or her political activities, the ACS wins. But what if the clued-in activist refuses to give up the struggle? Feeling powerless, desperation could set in and these individuals might become increasingly radicalized. Because the corporate state's counterinsurgency operatives have infiltrated most political activism groups, the radicalized members will be easily identified, monitored and eventually compromised/turned, arrested or executed. The ACS wins again.

Exclusive causal focus on affect is a theoretical shortcut to avoid examining the concrete, empirical nature of politics. **Grossberg 10**

Grossberg 10 – (2010, Lawrence, PhD, Morris Davis Distinguished Professor of Communication Studies and Cultural Studies; Adjunct Distinguished Professor of Anthropology; Director of the University Program in Cultural Studies at UNC, “Affect’s Future,” in The Affect Studies Reader, p. 315-6)

Gs ac MG: Yes, that's something that we were going to ask about: is it possible that affect itself has been overinvested by theory? Is there a way that affect lets one off the hook in the way, as you've sometimes argued, that theory does? LG: Yes, I think that is a nice way of putting it. I do think that affect can let you off the hook. Because it has come to serve, now, too often as a "magical" term. So, if something has effects that are, let's say, non-representational then we can just describe it as "affect:' So, I think there is a lot of theorizing that does not do the harder work of specifying modalities and apparatuses of affect, or distinguishing affect from other sorts of non-semantic effects, or, as I said, analyzing the articulations between (and hence, the difference between, as well as how one gets from) the ontological and the "empirical." The last is a vexing problem, and crucial I think if we are ever going to sort out a theory of affect. It's like people who say the world is "rhizomatic:' The world isn't rhizomatic! I mean, as virtual, the world is rhizomatic. On the plane of consistency then, the world is rhizomatic. But there is always a plane of organization and that's what you have to describe because that is what you have to de-territorialize and decode, and then of course it will always be re-territorialized and you will of course never get back to the plane of consistency.' And whether or not Deleuze and Guattari thought you could become a body without organs, I have never had the desire .. . and I see nothing particularly political about it anyway. Gs & MG: But is it that these planes (virtual/actual or consistency/organization) are so separable or is it that they persist alongside one another in the manner of Spinoza's monism? That is, is there another way perhaps to think the spatiality of their relationship? LG: Yes, I do assume that these two planes are the same thing. It's like Nietzsche's will: it is the ontological condition of possibility of any empirical reality. But that doesn't mean that it is a description of any empirical reality. There is a difference between the transcendental condition of possibility and the actualization of those conditions. So, I think that sometimes affect lets people off the hook because it lets them appeal back to an ontology that escapes. And, it often ends up producing a radically de-territorializing politics that I have never been particularly enamored of anyway. But it also lets me too much off the hook, because what we need to do is take up this work and rethink it. You know that brilliant chapter in A Thousand Plateaus ( 1987) where Deleuze and Guattari talk about regimes of signification, or what Foucault would have called discursive apparatuses, different forms of discursive apparatuses. Machinic assemblages produce different kinds of effects. We know that. Foucault would say that. Deleuze would say that. And Spinoza too, you know. Some of those kinds of effects are useful to group together and call affect. But then you have to do the work of specifying the particular regime of signification, and the particular machinic effectivity that is being produced. In too much work done by people who talk about affect -or at least I get the feeling when reading some of it anyway-there is a kind of immediate effectivity of affect on the body. Despite constant denials, I can't escape the feeling that Brian Massumi's recent work, for example, on the color-coding of terror alerts reduplicates a kind of old-fashioned media-effects model. You know, you flash these lights at people and there is some kind of bodily response. Well, there isn't! Affect then becomes a magical way of bringing in the body. Certainly, there is a kind of mediation process but it is a machinic one. It goes through regimes that organize the body and the discourses of our lives, organize everyday life, and then produce specific kinds of effects. Organizations of affect might include will and attention, or moods, or orientation, what I have called "mattering maps:' and the various culturally and phenomenological constituted emotional economies. I say it this way because I am not sure that emotions can simply be described as affect, even as configurations of affect. I have always held that emotion is the articulation of affect and ideology. Emotion is the ideological attempt to make sense of some affective productions. So, I don't think that we've yet done the actual work of parsing out everything that is getting collapsed into the general notion of affect. Basically, it's become everything that is non-representational or non-semantic – that's what we now call affect. And, so, yes, I think you are right: it is letting us off the hook because then we don't end up having to find the specificity.

### A2 Speaking for Others K

Speaking for others is necessary for collective action and political reform – the neg commits ontological violence by retreating to false individual locations of experience. **Sells 97**

Laura Sells 97, Instructor of Speech Communication at Louisiana State University, “On Feminist Civility: Retrieving the Political in the Feminist Public Forum”, this paper was presented at a Roundtable on "Public Speaking and the Feminist Public Sphere: Doing Difference Differently," at the Western States Communication Association conference

In her recent article, "The Problems of Speaking For Others," Linda Alcoff points out the ways in which this **retreat rhetoric has actually become an evasion of political responsibility.** Alcoff's arguments are rich and their implications are many, but one implication is relevant to a vital feminist public forum. **The retreat from speaking for others politically dangerous because it erodes public discourse**. First, the retreat response presumes that we can, indeed, "retreat to a discrete location and make singular claims that are **disentangled from other's locations."** Alcoff calls **this a "false ontological configuration" in which we ignore how our social locations are always already implicated in the locations of others. The position of "not speaking for others" thus becomes an alibi that allows individuals to avoid responsibility and accountability for their effects on others. The retreat, then, is actually a withdrawal to an individualist realm, a move that reproduces an individualist ideology and privatizes the politics of experience**. As she points out, this move creates a protected form of speech in which the individual is above critique because she is not making claims about others. **This protection also gives the speaker immunity from having to be "true" to the experiences and needs of others.** As a form of protected speech, then, **"not speaking for others" short-circuits public debate** by disallowing critique and avoiding responsibility to the other. Second, the retreat response undercuts the possibility of political efficacy. Alcoff illustrates this point with a list of people--Steven Biko, Edward Said, Rigoberta Menchu--who have indeed spoken for others with significant political impact. As she bluntly puts it**,** both collective action and coalition necessitate speaking for others.

Passivity is a disad to the alt – leaving the struggle to those directly affected leads to passivity as the forces of oppression take over. **Wanzer 12**

Wanzer 12 (Assistant Professor of Communication Studies at the University of Iowa in Iowa City) 2012 (Darrel, “Delinking Rhetoric, or Revisiting Mcgee’s Fragmentation Thesis Through Decoloniality” Rhetoric and Public Affairs Page 654

In short, I would submit that we all (regardless of whether we are interested in discursive con/texts explicitly marked by colonialism or imperialism) must seek to become decolonial rhetoricians. Rather than be “at the service” of Continental philosophy as so many in our ranks seem to be, we should adopt a decolonial attitude that aids in “shifting the geography of reason, by unveiling and enacting geopolitics and body-politics of knowledge” by putting our disciplinary tools in rhetoric “at the service of the problem being addressed.” It is not enough, however, to leave this task to scholars of color. Such a move is dangerous insofar as it continues to relegate these important questions to the margins of the discipline while constructing a fiction of “inclusion” that remains authorized by the hubris of zero point epistemology.45 We who are colonized or function in some way Otherwise cannot be the only ones leading the charge to delink rhetoric from modern/coloniality. An ethic of decolonial love requires those who benefıt most from the epistemic violence of the West to renounce their privilege, give the gift of hearing, and engage in forms of praxis that can more productively negotiate the borderlands between inside and outside, in thought and in being. We need not, as I have shown with McGee, throw out the baby with the bathwater; however, it is crucial that rhetoricians begin to take the decolonial option seriously if we wish to do more than perpetuate “a permanent state of exception”46 that dehumanizes people of color and maintains the hubris of a totalizing and exclusionary episteme.

Exclusion disad – The oppressed aren’t included at the table now, absent action by activists they never will be. Their alt is complicity with subjugation – telling the oppressed to deal with it themselves. **Medina 11**

Medina 11 (Jose, Ph. D., Northwestern University (1998), Philosophy, M.A., Northwestern University (1995), Philosophy, B.A., University of Sevilla (1991), Philosophy, “Towards a Foucaltian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerilla Pluralism”http://www.vanderbilt.edu/AnS/philosophy/\_people/faculty\_files/\_medinafoucaultstudies.pdf October 2011)

Subjugated knowledges remain invisible to mainstream perspectives; they have a precarious subterranean existence that renders them unnoticed by most people and impossible to detect by those whose perspective has already internalized certain epistemic exclusions. And with the invisibility of subjugated knowledges, certain possibilities for resistance and subversion go unnoticed. The critical and emancipatory potential of Foucaultian genealogy resides in challenging established practices of remembering and forgetting by excavating subjugated bodies of experiences and memories, bringing to the fore the perspectives that culturally hegemonic practices have foreclosed. The critical task of the scholar and the activist is to resurrect subjugated knowledges—that is, to revive hidden or forgotten bodies of experiences and memories—and to help produce insurrections of subjugated knowledgesIn order to be critical and to have transformative effects, genealogical investigations should aim at these insurrections, which are critical interventions that disrupt and interrogate epistemic hegemonies and mainstream perspectives (e.g. official histories, standard interpretations, ossified exclusionary meanings, etc). Such insurrections involve the difficult labor of mobilizing scattered, marginalized publics and of tapping into the critical potential of their dejected experiences and memories. An epistemic insurrection requires a collaborative relation between genealogical scholars/activists and the subjects whose experiences and memories have been subjugated: those subjects by themselves may not be able to destabilize the epistemic status quo until they are given a voice at the epistemic table (i.e. in the production of knowledge), that is, until room is made for their marginalized perspective to exert resistance, until past epistemic battles are reopened and established frameworks become open to contestation. On the other hand, the scholars and activists aiming to produce insurrectionary interventions could not get their critical activity off the ground if they did not draw on past and ongoing contestations, and the lived experiences and memories of those whose marginalized lives have become the silent scars of forgotten struggles. As I will try to show in detail in what follows, what makes the Foucaultian genealogical approach specifically critical is its capacity to facilitate insurrections of subjugated knowledges. In section 1, I will explain how exactly critical genealogies contribute ‚to desubjugate historical knowledges, to set them free, so that insurrectionary struggles against coercive epistemic closures are revived.

Alcoff flows AFF – speaking for others can be key to activism Alcoff 91

Hunter College and CUNY philosophy professor, 1991 (Linda Martin, “The Problem of Speaking for Others” originally published in Cultural Critique, No. 20, Winter, 1991-1992 , cut from www.alcoff.com/content/speaothers.html)  
\*gender modified

The major problem with such a retreat is that it significantly undercuts the possibility of political effectivity. There are numerous examples of the practice of speaking for others which have been politically efficacious in advancing the needs of those spoken for, from Rigoberta Menchu to Edward Said and Steven Biko. Menchu's efforts to speak for the 33 Indian communities facing genocide in Guatemala have helped to raise money for the revolution and bring pressure against the Guatemalan and U.S. governments who have committed the massacres in collusion. The point is not that for some speakers the danger of speaking for others does not arise, but that in some cases certain political effects can be garnered in no other way. Joyce Trebilcot's version of the retreat response, which I mentioned at the outset of this essay, raises other issues. She agrees that an absolute prohibition of speaking for would undermine political effectiveness, and therefore says that she will avoid speaking for others only within her lesbian feminist community. So it might be argued that the retreat from speaking for others can be maintained without sacrificing political effectivity if it is restricted to particular discursive spaces. Why might one advocate such a partial retreat? Given that interpretations and meanings are discursive constructions made by embodied speakers, Trebilcot worries that attempting to persuade or speak for another will cut off that person's ability or willingness to engage in the constructive act of developing meaning. Since no embodied speaker can produce more than a partial account, and since the process of producing meaning is necessarily collective, everyone's account within a specified community needs to be encouraged. I agree with a great deal of Trebilcot's argument. I certainly agree that in some instances speaking for others constitutes a violence and should be stopped. But Trebilcot's position, as well as a more general retreat position, presumes an ontological configuration of the discursive context that simply does not obtain. In particular, it assumes that one can retreat into one's discrete location and make claims entirely and singularly within that location that do not range over others, and therefore that one can disentangle oneself from the implicating networks between one's discursive practices and others' locations, situations, and practices. In other words, the claim that I can speak only for myself assumes the autonomous conception of the self in Classical Liberal theory--that I am unconnected to others in my authentic self or that I can achieve an autonomy from others given certain conditions. But there is no neutral place to stand free and clear in which one's words do not prescriptively affect or mediate the experience of others, nor is there a way to demarcate decisively a boundary between one's location and all others. Even a complete retreat from speech is of course not neutral since it allows the continued dominance of current discourses and acts by omission to reenforce their dominance.

### A2 Suffering Reps K

Turn- their attempt to shut out images of suffering enables totalitarianism and disempowers movements- by creating a collective forgetfulness **Kleinman 96**

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It is necessary to balance the account of the globalization of commercial and professional images with a vastly different and even more dangerous cultural process of appropriation: the totalitarian state's erasure of social experiences of suffering through the suppression of images. Here the possibility of moral appeal through images of human misery is prevented, and it is their absence that is the source of existential dismay. Such is the case with the massive starvation in China from 1959 to 1961. This story was not reported at the time even though more than thirty million Chinese died in the aftermath of the ruinous policies of the Great Leap Forward, the perverse effect of Mao's impossible dream of forcing immediate industrialization on peasants. Accounts of this, the world's most devastating famine, were totally suppressed; no stories or pictures of the starving or the dead were published. An internal report on the famine was made by an investigating team for the Central Committee of the Chinese Communist Party. It was based on a detailed survey of an extremely poor region of Anwei Province that was particularly brutally affected. The report includes this numbing statement by Wei Wu-ji, a local peasant leader from Anwei: Originally there were 5,000 people in our commune, now only 3,200 remain. When the Japanese invaded we did not lose this many: we at least could save ourselves by running away! This year there's no escape. We die shut up in our own houses. Of my 6 family members, 5 are already dead, and I am left to starve, and I'll not be able to stave off death for long.(30) Wei Wu-ji continued: Wang Jia-feng from West Springs County reported that cases of eating human meat were discovered. Zhang Sheng-jiu said, "Only an evil man could do such a thing!" Wang Jia-feng said, "In 1960, there were 20 in our household, ten of them died last year. My son told his mother 'I'll die of hunger in a few days.'" And indeed he did.(31) The report also includes a graphic image by Li Qin-ming, from Wudian County, Shanwang Brigade: In 1959, we were prescheduled to deliver 58,000 jin of grain to the State, but only 35,000 jin were harvested, hence we only turned over 33,000 jin, which left 2,000 jin for the commune. We really have nothing to eat. The peasants eat hemp leaves, anything they can possibly eat. In my last report after I wrote, "We have nothing to eat," the Party told me they wanted to remove my name from the Party Roster. Out of a population of 280, 170 died. In our family of five, four of us have died leaving only myself. Should I say that I'm not broken hearted?(32) Chen Zhang-yu, from Guanyu County, offered the investigators this terrible image: Last spring the phenomenon of cannibalism appeared. Since Comrade Chao Wu-chu could not come up with any good ways of prohibiting it, he put out the order to secretly imprison those who seemed to be at death's door to combat the rumors. He secretly imprisoned 63 people from the entire country. Thirty-three died in prison.(33) The official report is thorough and detailed. It is classified neibu, restricted use only. To distribute it is to reveal state secrets. Presented publicly it would have been, especially if it had been published in the 1960s, a fundamental critique of the Great Leap, and a moral and political delegitimation of the Chinese Communist Party's claim to have improved the life of poor peasants. Even today the authorities regard it as dangerous. The official silence is another form of appropriation. It prevents public witnessing. It forges a secret history, an act of political resistance through keeping alive the memory of things denied.34 The totalitarian state rules by collective forgetting, by denying the collective experience of suffering, and thus creates a culture of terror. The absent image is also a form of political appropriation; public silence is perhaps more terrifying than being overwhelmed by public images of atrocity. Taken together the two modes of appropriation delimit the extremes in this cultural process.(35) Our critique of appropriations of suffering that do harm does not mean that no appropriations are valid. To conclude that would be to undermine any attempt to respond to human misery. It would be much more destructive than the problem we have identified; it would paralyze social action. We must draw upon the images of human suffering in order to identify human needs and to craft humane responses.

Turn- pain overwhelms meaning and is therefore meaningless- it takes away the value in life. **Edelglass 6**

William Edelglass is Assistant Professor of Philosophy at Marlboro College, “LEVINAS ON SUFFERING AND COMPASSION” Sophia, Vol. 45, No. 2, October 2006

Because suffering is a pure passivity, lived as the breach of the totality we constitute through intending acts, Levinas argues, even suffering that is chosen cannot be meaningfully systematized within a coherent whole. Suffering is a rupture and disturbance of meaning because it suffocates the subject and destroys the capacity for systematically assimilating the world. 9 Pain isolates itself in consciousness, overwhelming consciousness with its insistence. Suffering, then, is an absurdity, 'an absurdity breaking out on the ground of signification.'1~ This absurdity is the eidetic character of suffering Levinas seeks to draw out in his phenomenology. Suffering often appears justified, from the biological need for sensibility to pain, to the various ways in which suffering is employed in character formation, the concerns of practical life, a community's desire for justice, and the needs of the state. Implicit in Levinas's texts is the insistence that the analysis of these sufferings calls for a distinction between the use of pain as a tool, a practice performed on the Other's body for a particular end, and the acknowledgement of the Other's lived pain. A consequence of Levinas's phenomenology is the idea that instrumental justifications of extreme suffering necessarily are insensible to the unbearable pain they seek to legitimize. Strictly speaking, then, suffering is meaningless and cannot be comprehended or justified by rational argument. Meaningless, and therefore unjustifiable, Levinas insists, suffering is evil. Suffering, according to Levinas's phenomenology, is an exception to the subject's mastery of being; in suffering the subject endures the overwhelming of freedom by alterity. The will that revels in the autonomous grasping of the world, in suffering finds itself grasped by the world. The in-itself of the will loses its capacity to exert itself and submits to the will of what is beyond its grasp. Contrary to Heidegger, it is not the anxiety before my own death which threatens the will and the self. For, Levinas argues, death, announced in suffering, is in a future always beyond the present. Instead of death, it is the pure passivity of suffering that menaces the freedom of the will. The will endures pain 'as a tyranny,' the work of a 'You,' a malicious other who perpetrates violence (TI239). This tyranny, Levinas argues, 'is more radical than sin, for it threatens the will in its very structure as a will, in its dignity as origin and identity' (TI237). Because suffering is unjustifiable, it is a tyranny breaking open my world of totality and meaning 'for nothing.' The gratuitous and extreme suffering that destroys the capacity for flourishing human activity is generally addressed by thinkers in European traditions in the context of metaphysical questions of evil (is evil a positive substance or deviation from the Good?), or problems of philosophical anthropology (is evil chosen or is it a result of ignorance?). For these traditions it is evil, not suffering, that is the great scandal, for they consider suffering to be evil only when it is both severe and unjustified. II But for Levinas suffering is essentially without meaning and thus cannot be legitimized; all suffering is evil. As he subsumes the question of death into the problem of pain, 12 so also Levinas understands evil in the context of the unassumability and meaninglessness of suffering. 13 The suffering of singular beings is not incidental to an evil characterized primarily by the subordination of the categorical imperative to self-interest, or by neglect of the commands of a Divine Being. Indeed, for Levinas, evil is understood through suffering: 'All evil relates back to suffering' (US92). No explanation

Turn- images of suffering are key to motivating action - Empirics and studies prove. **Campbell 12**

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There are very few studies that have analysed audience consumpTion of and reacTion to news in terms of claims about compassion faTigue. The ﬁrst and best known is a 1996 paper by Kinnick, Krugman and Cameron which used a telephone survey of 316 Atlanta residents to 17measure amtudes towards AIDS, homelessness, violent crime and child abuse and the media coverage of these issues. 58 The authors found considerable variaTion between individuals, argued responses were issue dependent and observed that there was no such thing as a totally fatigued individual. They did conclude that there was a compassion fatigue phenomenon but that it was a situational variable rather than a personality trait. Equally, they did note that the mass media played a primary role through both negative coverage and content that allowed avoidance, and that respondents readily blamed the media for their personal desensitisaTion and avoidance strategies. 59 However, Kinnick, Krugman and Cameron qualiﬁed the media’s role by pointing out how prior disposiTions intersected with media coverage: “results of the study suggest that for those who are initially disinterested or biased against victms of a social problem, pervasive media coverage likely serves to entrench negative feelings towards victims and foster desensitization.” 60 And, in a statement that reduced the primacy of the media’s role, the authors concluded that “level of media consumption…does not appear to be as inﬂuencial in the development of compassion fatigue as individual tolerances for exposure to disturbing media content and perceptions of the victims’ ‘deservingness’ of compassion.” 61 In pointing towards the disposiTion and state of individuals as causal factors in how they directed and expressed compassion, Kinnick, Krugman and Cameron provide a link to how social psychology claims to oﬀer an account of how some people secure empathy from an audience. In the relevant literature much of this debate is conducted in terms of the “identiﬁable victim eﬀect,” which, through its emphasis on how people continue to respond to appeals (part of the OED deﬁniTion), stands in contradistinction to any claims about the contemporary prevalence of compassion fatigue. Stemming from the work of Thomas Schelling in the 1960s, the identiﬁable victim eﬀect describes the way “people react diﬀerently toward identiﬁable victims than to statistical victims who have not yet been identiﬁed.” 62 It recalls the quote attributed to Joseph Stalin that “one death is a tragedy; one million is a staTistic” as well as the statement from Mother Theresa that “if I look at the mass I will never act. If I look at the one, I will.” These claims seem to be based on the psychological intuition that an identiﬁable victim is ipso facto a more powerful emotional stimulus than a statistical victim – that, for example, the photograph of an individual person in distress in any given disaster is more eﬀective than accounts of the millions at risk or dying from that situaTion. 63 For Paul Slovic, this incapacity to translate sympathy for the one into concern for the many, as evidenced in the way mass murder and genocide in places like Rwanda and Darfur are largely ignored, testiﬁes to “a fundamental deﬁciency in human psychology.” 64 Although the literature on what motivates charitable giving (the home of much of these arguments) is relatively sparse, a series of recent studies in decision psychology have produced some interesting ﬁndings. Small and Lowenstein conducted a ﬁeld experiment that demonstrated when asked to contribute to a housing charity that had identiﬁed the recipient family versus one that would ﬁnd a family after the donation, people’s contribuTions were higher to the family already identiﬁed. 65 Kogut and Ritov asked participants to donate towards treatment for one sick child or a group of eight sick children, with both the individual and the group represented in photographs. Although the total amount needed was the same in both cases, donaTions were higher for the individual child than for the group of children. 66 Small, Lowenstein and Slovic asked givers to respond to a staTistical descripTion of food shortages in southern African aﬀecting three million children versus a personal appeal with a picture on behalf of Rokia, a seven-year-old Malawian girl, and the identiﬁed victim triggered a much higher level of sympathy and greater donaTions. 67 In a similar study, when potential donors were faced with the opTion of helping just two children (the girl Rokia and a boy, Moussa) rather than a single individual, the response for the individual child was far greater than for the pair. 68 In analysing the form of the image that best elicits a response, Small and Verrochi found that sad facial expressions in the pictures of victims produced a much greater response than happy or neutral images, and that this was achieved through “emoTional contagion,” whereby viewers “caught” vicariously the emoTion on a victims face. 69 As a more detailed moment in the producTion of the identiﬁable victim, sad pictures generated greater sympathy and increased charitable giving. These studies conﬁrm the intuiTion that images are central to the transmission of aﬀect, and that while some are more powerful than others, “when it comes to eliciting compassion, the identified individual victim, with a [sad] face and a name, has no peer.” 70 This establishes the phenomenon, how it operates, but not why. Some of the reasons, at least in terms of the psychologists conducting these studies, could include the following: 19(1) That a single individual is viewed as a psychologically coherent unity, whereas a group is not; 71 (2) That identiﬁable victims are more “vivid” and hence more compelling than colourless representaTions; (3) That identiﬁable victms are actual rather than likely victims; (4) That as an identiﬁed, actual victim, blame is more easily attached, whereas for people who are not yet victims responsibility is harder to assign; (5) Identiﬁable victims generate concern when they are a signiﬁcant proporTion of their group. This is “the reference group eﬀect” which suggests, for example, that those infected with a disease that kills 90% of a small populaTion attract more sympathy than, say, one million victims in a country of 20 million people. 72 As much as the social scientiﬁc methodologies of these studies suggest they have produced deﬁnitive reasons for the ‘identiﬁable victim eﬀect’, they generate “no evidence that these are the actual mechanisms that produce the eﬀect.” 73 They reiterate, nonetheless, ﬁndings from related studies to suggest what is happening. Small and Lowenstein argue that “people use disBnct processes to make judgements about speciﬁc as opposed to general targets, ” with the processing of informaTion about speciﬁc individuals being more emoTionally engaging than deliberaTion about abstract cases. 74 Small and Verrochi maintain that there is a diﬀerence between empathic feeling and deliberative thinking, with the emotional contagion produced by particular pictures of speciﬁc individuals happening outside of awareness. 75 Although they are distinct, these two processes can intersect. Indeed, if emoTional engagement is signiﬁcant enough, it can lead individuals to explore deliberatively contextual informaTion about the identﬁable victim they originally responded to. Here, though, some studies identify a potentially paradoxical outcome – the greater the deliberative thinking that takes place, the more the emoTional engagement is overridden, sympathy diminishes, and charitable donaTions decline. 76 Having detailed the “identiﬁable victim eﬀect” and the images that contribute to it, these psychological studies have set out an interesting problematc even if they have not identiﬁed the causes for this eﬀect. They also leave us with a number of challenging quesTions: is our capacity to feel limited such that anything beyond the speciﬁc individual leads to a decline in emoTional concern for others? 77 How might other emoTions, such as anger, disgust and fear aﬀect sympathy? Would the role of pictured expressions on the faces of adults diﬀer from those found with children? 78 Many of these issues and quesTions become more complex when we move beyond small ﬁeld experiments about charitable giving to large-scale social and political phenomena. Although, in a manner not dissimilar from Moeller’s political critique, Slovic wants to maintain that the repeated American failure to respond to mass murder and genocide globally represents a fundamental psychological ﬂaw – stemming from the inability to make an emoTional connecTion to the vicBms of the violence – he concedes that in cases such as the South Asian tsunami of 2004 and Hurricane Katrina in 2005 there was a signiﬁcant cultural response to the plight of millions of individuals who formed a collective and sometimes distant community of suﬀering. These moments were diﬀerent, claims Slovic, because of what he calls the dramatic, intimate, exhaustive and vivid media coverage of these events for spectators beyond the danger zone. This stands in direct opposition to the compassion fatigue thesis, whereby the deluge of imagery is said to inevitably dull feeling. As a result, Slovic maintains - this time in opposiTion to Moeller’s thesis - that the reporting of on-going genocides is sparse and sporadic. 79 Beyond the work cited above, there are very studies examining the compassion faTigue thesis. Stanley Cohen and Bruna Seu report on a 1998 pilot study at Brunel University in England where three focus groups of ﬁfteen people were shown Amnesty International appeals about Afghanistan and Bosnia. 80 Although the sample was small, Cohen and Seu conﬁdently report that the emotional response of the subjects meant that “the strong compassionate fatigue thesis...cannot be sustained.” Those in the focus groups recognised an accumulation of atrocity images but that did not produce indiﬀerence, even if they resented how charities played on their guilt for circumstances beyond their control. What the accumulaTion of images did produce was a sense of demand overload, meaning that there were too many demands on their compassion and insuﬃcient means to determine which of the demands could be most eﬀectively met. 81 Birgitta Hoijer’s research during the 1999 Kosovo crisis, in which detailed telephone interviews and focus groups with more than 500 people in Sweden and Norway explored their reacTion to images of suﬀering in news coverage, conﬁrms much of Cohen and Seu’s argument. 82 Hoijer found that 51% of respondents said they often or quite often reacted to atrocity images, 14% said sometimes or not at all, with only 23% saying they never reacted. Gender and age were important with women reacting more than men, and older people reacting more than the young. In an important statement, Hoijer says that “women especially said that they sometimes cried, had to close their eyes or look away, because the pictures touched them emoTionally,” thereby demonstrating that averting one’s gaze can itself be an aﬀective response rather than a sign of indiﬀerence. It is also a response that recalls the idea from the medical literature that ‘caring too much can hurt’. 83 Hoijer’s research intersects with the literature on the “identiﬁable victim eﬀect” when she reports that the audience for the Kosovo images accepted the media’s code of victimhood in which women and children were seen as innocent and helpless, and it was this vicBmhood which made them deserving of compassion. 84 Hoijer does note that when the Kosovo crisis ran on into a 78 day war feelings of powerlessness overcame the audience such that time did undermine compassion. Even if this was expressed in terms of distanciaTion or numbness it is not evidence of compassion faTigue. Rather, it conﬁrms that compassion has to be connected to a ﬁnite outcome otherwise it could be directed towards a diﬀerent issue. As a result, Hoijer says her research “opposes, or strongly modulates, the thesis about a pronounced compassion faTigue among people in general.” 85 The ﬁnal source of evidence that can cast concrete light on the compassion faTigue thesis concerns charity appeals. The OED deﬁniTion of compassion faTigue at the outset cited the “diminishing public response” to such appeals as evidence. But is the public response diminishing? While answering that would require a detailed longitudinal study, a few observations suggest the public still respond quite eagerly to calls for charity. In Britain there are 166,000 charities that received donations totalling £10 billion in 2009. In the United States, there are more than 800,000 charitable organisations, and Americans gave them more than $300 billion in 2007. 86 The British public’s response to disasters like the 2010 Haiti earthquake (for which the Disasters Emergency Committee raised £106 million) shows that the willingness to act on empathy for the victims of natural disasters is still considerable even when they are distant. 87 The DEC conducts consolidated appeals for the fourteen leading aid NGOs in the UK, and a look at their various appeals over the last few years shows that there is a constant willingness to donate, albeit at variable rates, from the 2009 Gaza appeals’s £8.3 million to the 22massive £392 million given for the 2004 Tsunami appeal. 88 There are clearly diﬀerential responses, but these do not add up to a generally diminished response.

### A2 Trigger Warnings

1. Turn - Trigger warnings are psychologically and pedagogically harmful. **Lukianoff and Haidt 15**

Greg Lukianoff and Jonathan Haidt, "How Trigger Warnings Are Hurting Mental Health on Campus," Atlantic, http://www.theatlantic.com/magazine/archive/2015/09/the-coddling-of-the-american-mind/399356/, September 2015. CC

However, there is a deeper problem with trigger warnings. According to the most-basic tenets of psychology, the very idea of helping people with anxiety disorders avoid the things they fear is misguided. A person who is trapped in an elevator during a power outage may panic and think she is going to die. That frightening experience can change neural connections in her amygdala, leading to an elevator phobia. If you want this woman to retain her fear for life, you should help her avoid elevators. But if you want to help her return to normalcy, you should take your cues from Ivan Pavlov and guide her through a process known as exposure therapy. You might start by asking the woman to merely look at an elevator from a distance—standing in a building lobby, perhaps—until her apprehension begins to subside. If nothing bad happens while she’s standing in the lobby—if the fear is not “reinforced”—then she will begin to learn a new association: elevators are not dangerous. (This reduction in fear during exposure is called habituation.) Then, on subsequent days, you might ask her to get closer, and on later days to push the call button, and eventually to step in and go up one floor. This is how the amygdala can get rewired again to associate a previously feared situation with safety or normalcy. Students who call for trigger warnings may be correct that some of their peers are harboring memories of trauma that could be reactivated by course readings. But they are wrong to try to prevent such reactivations. Students with PTSD should of course get treatment, but they should not try to avoid normal life, with its many opportunities for habituation. Classroom discussions are safe places to be exposed to incidental reminders of trauma (such as the word violate). A discussion of violence is unlikely to be followed by actual violence, so it is a good way to help students change the associations that are causing them discomfort. And they’d better get their habituation done in college, because the world beyond college will be far less willing to accommodate requests for trigger warnings and opt-outs. The expansive use of trigger warnings may also foster unhealthy mental habits in the vastly larger group of students who do not suffer from PTSD or other anxiety disorders. People acquire their fears not just from their own past experiences, but from social learning as well. If everyone around you acts as though something is dangerous—elevators, certain neighborhoods, novels depicting racism—then you are at risk of acquiring that fear too. The psychiatrist Sarah Roff pointed this out last year in an online article for The Chronicle of Higher Education. “One of my biggest concerns about trigger warnings,” Roff wrote, “is that they will apply not just to those who have experienced trauma, but to all students, creating an atmosphere in which they are encouraged to believe that there is something dangerous or damaging about discussing difficult aspects of our history.”In an article published last year by Inside Higher Ed, seven humanities professors wrote that the trigger-warning movement was “already having a chilling effect on [their] teaching and pedagogy.” They reported their colleagues’ receiving “phone calls from deans and other administrators investigating student complaints that they have included ‘triggering’ material in their courses, with or without warnings.” A trigger warning, they wrote, “serves as a guarantee that students will not experience unexpected discomfort and implies that if they do, a contract has been broken.” When students come to expect trigger warnings for any material that makes them uncomfortable, the easiest way for faculty to stay out of trouble is to avoid material that might upset the most sensitive student in the class.

2. Wolfe is a major disad to their interp – IPV is reinforced from lack of education and discussion in schools – debate is a unique forum to openly discuss controversial and sensitive issues – they silence it

3. Turn - Trigger warnings shut down dialogue and argumentation and privatize discussion of IPV. **Fillipovic 14**

Jill Filipovic, "We've gone too far with 'trigger warnings'," Guardian, http://www.theguardian.com/commentisfree/2014/mar/05/trigger-warnings-can-be-counterproductive, March 5, 2014. CC

College, though, is different. It is not a feminist blog. It is not a social justice Tumblr. College isn't exactly the real world either, but it's a space for kinda-sorta adults to wade neck-deep into art, literature, philosophy, and the sciences, to explore new ideas, to expand their knowledge of the cultural canon, to interrogate power and to learn how to make an argument and to read a text. It is, hopefully, a space where the student is challenged and sometimes frustrated and sometimes deeply upset, a place where the student's world expands and pushes them to reach the outer edges – not a place that contracts to meet the student exactly where they are. Which doesn't mean that individual students should not be given mental health accommodations. It's perfectly reasonable for a survivor of violence to ask a professor for a heads up if the reading list includes a piece with graphic descriptions of rape or violence, for example. But generalized trigger warnings aren't so much about helping people with PTSD as they are about a certain kind of performative feminism: they're a low-stakes way to use the right language to identify yourself as conscious of social justice issues. Even better is demanding a trigger warning – that identifies you as even more aware, even more feminist, even more solicitous than the person who failed to adequately provide such a warning. There is real harm in utilizing general trigger warnings in the classroom. Oberlin College recommends that its faculty "remove triggering material when it does not contribute directly to the course learning goals". When material is simply too important to take out entirely, the college recommends trigger warnings. For example, Oberlin says, Chinua Achebe's Things Fall Apart is a great and important book, but: … it may trigger readers who have experienced racism, colonialism, religious persecution, violence, suicide, and more. Students should be duly warned by the professor writing, for example, "Trigger warning: This book contains a scene of suicide." On its face, that sounds fine (except for students who hate literary spoilers). But a trigger warning for what Oberlin identified as the book's common triggers – racism, colonialism, religious persecution, violence, suicide (and more!) – sets the tone for reading and understanding the book. It skews students' perceptions. It highlights particular issues as necessarily more upsetting than others, and directs students to focus on particular themes that have been singled out by the professor as traumatic. At Rutgers, a student urged professors to use trigger warnings as a sort of Solomonic baby-splitting between two apparently equally bad choices: banning certain texts or introducing works that may cause psychological distress. Works the student mentioned as particularly triggering include F Scott Fitzgerald's The Great Gatsby, Junot Diaz's This Is How You Lose Her and Virginia Woolf's Mrs Dalloway. The warnings would be passage-by-passage, and effectively reach "a compromise between protecting students and defending their civil liberties". But the space between comfort and freedom is not actually where universities should seek to situate college students. Students should be pushed to defend their ideas and to see the world from a variety of perspectives. Trigger warnings don't just warn students of potentially triggering material; they effectively shut down particular lines of discussion with "that's triggering". Students should – and do – have the right to walk out of any classroom. But students should also accept the challenge of exploring their own beliefs and responding to disagreement. Trigger warnings, of course, don't always shut down that kind of interrogation, but if feminist blogs are any example, they quickly become a way to short-circuit uncomfortable, unpopular or offensive arguments.

That reinforces the public/private dichotomy which exacerbates exclusion of voices.

MacKinnon, Catherine A. *Toward a feminist theory of the state*. Harvard University Press, 1989.

Privacy doctrine is an ideal vehicle for this process. The liberal ideal , of the private holds that, so long as the public does not interfere, autonomous individuals interact freely and equally. **Privacy is** the ultimate value of the negative state. Conceptually, this private is **hermetic**.)t means that which is inaccessible to, unaccountable to, unconstructed by, anything beyond itself.. By definition, it is not part of or conditioned by anything systematic outside it. It is personal, intimate, autonomous, particular, individual, the original source and final outpost of the self, gender neutral. **It is defined by everything that** feminism reveals **women have never been allowed to be or to have** , and by everything that women have been equated with and defined in terms of men's ability to have. To complain in public of inequality within the private contradicts the liberal definition of the private. lin the liberal view, no act of the state contributes to shaping its internal alignments or distributing its internal forces, so no act of the state should participate in changing it,'Its inviolability by the state, framed as an individual right, presupposes that the private is not already an arm of the state. In this scheme, intimacy is implicitly thought to guarantee symmetry of power. Injuries arise through violation of the private sphere, not within and by and because of it. In private, consent tends to be presumed. Showing coercion is supposed to void this presumption. But the problem is getting anything private to be perceived as coercive. In law, **the private is fundamentally an angle of vision, a way of seeing from the point of view of power, attached later to a place or quality of being** . It sees so as to surround power with a sacred circle of impunity. Private is what men call the damage they want to be permitted to do as far as their arms extend to .,homever they do not want permitted to fight back. **Epistemically**, in gender terms, it means that **male force is invisible. When aggression occurs, what is seen is consent.** Privacy seems to stick to white upper-class men and follow them into the world, forfeited only under unusual conditions, while **consent seems to stick to women.** As interpretation, **when what men do is private, their aggression is not seen at all, and women are seen to consent to it.** It is not that this is never overcome, but rather that there is something there that must be overcome in order for force to be seen as force. This epistemic problem explains why privacy doctrine is most at home at home, the place women experience the most force, in the family, and why it centers on sex. **Why a person would "allow" force in private** (the "why doesn't she leave" question raised to battered women) **is a question given** its insult **by the social meaning of the private as a sphere of choice**. For women the measure of the intimacy ha·s been the measure of the oppression. This is why feminism has had to explode the private. This is why feminism has seen the personal as the political. The private is public for those for whom the personal is: political In this sense , for women there is no private , either normatively or empirically. Feminism confronts the fact that women have no privacy to lose or to guaratee. Women are not inviolable. Women's sexuality is not only violable, it is-hence, women are­ seen in and as their violation. To confront the fact that women have no privacy is to confront the intimate degradation of women as the public order. The doctrinal choice of privacy in the abortion context thus reaffirms and reinforces what the feminist critique of sexuality criticizes: the public/private split. The political and ideological underpinning of privacy as a legal doctrine is continuous with the concrete consequences of the public/private split for the lives of women; In this ' light, the abortion funding ruling appears consistent with the larger meaning of the original granting of the abortion right.

4. Turn - Trigger warnings recreate hierarchies of trauma – categorize survivors as weak and vulnerable. **Fillipovic 14**

Jill Filipovic, "We've gone too far with 'trigger warnings'," Guardian, http://www.theguardian.com/commentisfree/2014/mar/05/trigger-warnings-can-be-counterproductive, March 5, 2014. CC

That should concern those of us who love literature, but it should particularly trouble the feminist and anti-racist bookworms among us. Trigger warnings are largely perceived as protecting young women and, to a lesser extent, other marginalized groups – people of color, LGBT people, people with mental illnesses. That the warnings hinge on topics that are more likely to affect the lives of marginalized groups contributes to the general perception of members of those groups as weak, vulnerable and "other". The kinds of suffering typically imaged and experienced in the white western male realm – war, intra-male violence – are standard. Traumas that impact women, people of color, LGBT people, the mentally ill and other groups whose collective lives far outnumber those most often canonized in the American or European classroom are set apart as different, as particularly traumatizing. Trigger warnings imply that our experiences are so unusual the pages detailing our lives can only be turned while wearing kid gloves. There's a hierarchy of trauma there, as well as a dangerous assumption of inherent difference. There's a reinforcement of the toxic messages young women have gotten our entire lives: that we're inherently vulnerable. And there's something lost when students are warned before they read Achebe or Diaz or Woolf, and when they read those writers first through the lens of trauma and fear. Then, simply, there is the fact that the universe does not treat its members as if they come hand-delivered in a box clearly marked "fragile". The world can be a desperately ugly place, especially for women. That feminist blogs try to carve out a little section of the world that is a teeny bit safer for their readers is a credit to many of those spaces. Colleges, though, are not intellectual or emotional safe zones. Nor should they be. Trauma survivors need tools to manage their triggers and cope with every day life. Universities absolutely should prioritize their needs – by making sure that mental health care is adequately funded, widely available and destigmatized. But they do students no favors by pretending that every piece of potentially upsetting, triggering or even emotionally devastating content comes with a warning sign.

5. Trigger warnings don’t solve – trauma is diverse and a sentence blip changes nothing. **Stone 14**

“Why Trigger Warnings Don’t Work,” Deb Stone, 2014, STIR Journal (sexual violence journal).

The variability of human perception and traumatic recall makes it impossible to provide the necessary specificity for trigger warnings to be effective. The nature of specificity is, in part, one reason that treatment for traumatic memories involves [safely re-engaging](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2770710/) with the images that populate the survivor’s memory of the event. According to Dr. Mark Beuger, an addiction psychiatrist at Deerfield Behavioral Health of Warren (PA), the goal of PTSD treatment is “to allow for processing of the traumatic experience without becoming so emotional that processing is impossible.” By creating a coherent narrative of the past event through telling and retelling the story to a clinician, survivors confront their fears and gain mastery over their thoughts and feelings. If a survivor has had adequate clinical support, they could engage online with thoughts or ideas that previously had been avoided.

### A2 Queer IPV

No-link – the AFF makes literally no categorizations – many in the lit characterize the problem as a “boyfriend loophole” but I’ve explicitly recognized that heteronormativity by removing every trace of the word from my speech and talking about queer IPV

AFF is a direct critique of squo heternormative representations of IPV that recognize it as more than a gender problem – EGS 14 and Glass explicitly talk about queer survivors and recognize IPV affects communities in diverse ways

Turn – the AFF breaks down current “family” ideology embedded within gun control that only treats marital relations as significant – that’s heternormative and exclusionary. **Gavigan 93**

Gavigan, Shelley. "Paradise Lost, Paradox Revisited: The Implications of Familial Ideology for Feminist, Lesbian and Gay Engagement to Law”(1993)." Osgoode Hall LJ 31: 589-624.

The pain, the grief, the compelling facts, the obvious discrimination,99 and judicial subscription to familial ideology are undeniable. Nonetheless, my questions remain: do lesbians and gay men really need a "spouse in the house?" Is the fact that the threshold definition of "spouse" in law as a person of the opposite sex best characterized as an instance, or source,100 of "heterosexual privilege?" Would this form of legalization of lesbian and gay relationships correct the injustices of a heterosexist society? Is the definition of "spouse" in other respects neutral? Can the social and legal concept of "spouse" be plucked from its heterosexual familial context and dropped into the lesbian and gay context? And, if so, should it? For the editors of the Harvard Law Review in their recent review of American law (Sexual Orientation and the Law) these questions address non-issues: Marriage has always been regarded as a central institution in American society. Alongside its strong symbolic meaning to the partners, marriage bestows concrete legal advantages on the couple: tax benefits, standing to recover damages for certain torts committed against spouses, rights to succession, and insurance benefits to name a few And, "[m]arriage is also constitutionally protected because it promotes familial and social stability" [references omitted].P 2 They confidently conclude that "same-sex marriages are wholly consistent with the theoretical and policy justifications behind the right to marry."103 And thereby, they render unthinkable and invisible women and men who are critical of the values ascribed to marriage, who are skeptical of its promised benefits and protections, who are attentive to the historic inequalities of marriage, and who consciously choose not to be spouses. In other words, they resist the apparently irresistible appeal of a dominant ideology of this society, notwithstanding that for some, the alleviation of parental mortification because they are "living in sin" through the absolution of a legal marriage seems a small price to pay for the promise of familial peace and freedom from parental interference.

Perm do both – ignorance of queer IPV is a societal lack of recognition, not a problem of the AFF – it’s definitely compatible with the plan

Implementable policy strategies are uniquely key for gender violence movements – we are flooded with critique but unable to implement solutions. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

Perm do the plan but challenge essentialist representations – plan is critical – exclusive focus on representations erodes meaningful reversal of structures of exploitation---discursive focus can’t replace concrete change . **Giroux 6**

Henry Giroux 06, prof of edu and cultural studies at Penn State, 6 (Comparative Studies of South Asia)

Abstracted from the ideal of public commitment, the **new authoritarianism represents a** political and economic practice and **form of militarism that loosen[s] the connections among** substantive **democracy**, critical agency, **and critical education. In opposition** to the rising tide of authoritarianism, **educators** across the globe **must make a case for linking learning to progressive social change** while struggling to pluralize and critically engage the diverse sites where public pedagogy takes place. In part, this suggests forming alliances that can make sure every sphere of social life is recognized as an important site of the political, social, and cultural struggle that is so crucial to any attempt to forge the knowledge, identifications, effective investments, and social relations that constitute political subjects and social agents capable of energizing and spreading the basis for a substantive global democracy. **Such circumstances require** that **pedagogy be embraced as a moral and political practice**, one that is directive and not dogmatic, an outgrowth of struggles designed **to resist the increasing depoliticization of political culture that is the hallmark of** the current **Bush** revolution**. Education is the terrain where consciousness is shaped**, needs are constructed, **and the capacity for** individual self-reflection and **broad social change is nurtured** and produced. Education has assumed an unparalleled significance in shaping the language, values, and ideologies that legitimize the structures and organizations that support the imperatives of global capitalism. Efforts to reduce it to a technique or methodology set aside, education remains a crucial site for the production and struggle over those pedagogical and political conditions that provide the possibilities for people to develop forms of agency that enable them individually and collectively to intervene in the processes through which the material relations of power shape the meaning and practices of their everyday lives. Within the current historical context, struggles over power take on a symbolic and discursive as well as a material and institutional form. The struggle over education is about more than the struggle over meaning and identity; it is also about how meaning, knowledge, and values are produced, authorized, and made operational within economic and structural relations of power. Education is not at odds with politics; it is an important and crucial element in any definition of the political and offers not only the theoretical tools for a systematic critique of authoritarianism but also a language of possibility for creating actual movements for democratic social change and a new biopolitics that affirms life rather than death, shared responsibility rather than shared fears, and engaged citizenship rather than the stripped-down values of consumerism. **At stake here is combining symbolic forms** and processes **conducive to democratization with** broader social contexts and the **institutional formations of power itself. The key point** here **is to** understand and **engage educational** and pedagogical **practices from the point of** view of **how they are bound up with larger relations of power. Educators**, students, and parents **need to be clearer about how power works through** and in texts, **representations**, and discourses, **while at the same time recognizing** that **power cannot be limited to the study of** representations and **discourses, even at the level of public policy. Changing consciousness is not the same as altering the** institutional basis of oppression; at the same time, institutional **reform cannot take place without a change in consciousness capable of recognizing not only injustice but also the very possibility for reform, the capacity to reinvent the** conditions [End Page 176] and **practices that make a more just future possible.** In addition, it is crucial to raise questions about the relationship between pedagogy and civic culture, on the one hand, and what it takes for individuals and social groups to believe that they have any responsibility whatsoever even to address the realities of class, race, gender, and other specific forms of domination, on the other hand. For too long, the progressives have ignored that the strategic dimension of politics is inextricably connected to questions of critical education and pedagogy, to what it means to acknowledge that education is always tangled up with power, ideologies, values, and the acquisition of both particular forms of agency and specific visions of the future. The primacy of critical pedagogy to politics, social change, and the radical imagination in such dark times is dramatically captured by the internationally renowned sociologist Zygmunt Bauman. He writes, Adverse odds may be overwhelming, and yet a democratic (or, as Cornelius Castoriadis would say, an autonomous) society knows of no substitute for education and self-education as a means to influence the turn of events that can be squared with its own nature, while that nature cannot be preserved for long without "critical pedagogy"—an education sharpening its critical edge, "making society feel guilty" and "stirring things up" through stirring human consciences. The fates of freedom, of democracy that makes it possible while being made possible by it, and of education that breeds dissatisfaction with the level of both freedom and democracy achieved thus far, are inextricably connected and not to be detached from one another. One may view that intimate connection as another specimen of a vicious circle—but **it is within that circle that human hopes and the chances of humanity are inscribed, and can be nowhere else**.59

## A2 Ks (Nick 1ar)

### Add On – Race

Black communities demand the aff - refusal to act means complacency in their death. **Cooper 15**

Brittney Cooper [a contributing writer at Salon, and teaches Women's and Gender Studies and Africana Studies at Rutgers.] “The gun crisis we aren’t talking about: Black women are under attack — and America doesn’t care” Salon. October 21, 2015. CC

The Black Lives Matter Movement has popularized a statistic released a few years ago in a report by the Malcolm X Grassroots Movement. The report found that a Black person is killed every 28 hours by a law enforcement officer or vigilante. A new study released by the Violence Policy Center provides another alarming statistic: Once every 21 hours, a Black woman is a victim of fatal intra-racial violence by a male perpetrator. According to that study, which tracks the number of women killed by men each year, more than 1,600 women were murdered by men in single victim/single offender incidents in 2013. (Because the study only accounts for wives, ex-wives or current girlfriends, taking ex-girlfriends into account would surely make that number even higher.) Ninety-four percent of these women were killed by men they knew and 62 percent were wives or intimate acquaintances of their killers. Black Americans make up 14 percent of the population, and yet, of those 1,600 murders, 453 — or 28 percent — were black women. Of those 453 murders, 416 were intra-racial. Thus: Once every 19 hours a Black woman is killed by a man. Once every 21 hours a Black woman is killed by a Black man. 92 percent of the time she knows her murderer. 56 percent of the time, she is wife, ex-wife or girlfriend of her killer. The study does not account for ex-partners or ex-girlfriends, a fact which would surely make that percentage skew higher. In these incidents, the most common weapon used was a gun. \* \* \* Far too often when we speak about our national epidemic of gun violence, our outrage is tethered to sensational cases, like the killing of the Charleston 9 or the recent slaughter of students at an Oregon community college. After these incidents occur, we commence our usual handwringing about the culture of gun violence. Existing discourses about violent crime continue to make Black women intersectionally invisible. Within Black political discourses, the focus on intracommunal and intraracial crime usually centers on violent neighborhood-based crime, perpetrated by young men. Within our broader national conversation about gun control, female victims of lethal intimate partner violence are rarely the driving force for the conversation. And within our broader national narrative about Black lives, we focus primarily on the high number of killings of Black male victims by police. Talking about domestic violence in Black communities when appalling stories like the police killing of Corey Johnson emerge seems like a hard call to make. The statistics from the Violence Policy Center do not take into account the epidemic of murders of trans women of color that LGBTQ activists have brought to our attention in the last several years. On October 15, a young man of color fatally shot Zella Ziona, a trans Black woman, after their friendship became public knowledge. We have had over 20 such murders of trans people this year, most of them women of color. Sometimes these women are victims of targeted hate crimes by cisgender men who seek to police and punish trans women for daring to occupy public space. Sometimes these men have had intimate or sexual interactions with transwomen, after which they choose to enact brutal and transphobic forms of violence. Intimate partner violence is always about power and control, and Black feminist theorists have long named the particular vulnerabilities that (cisgender) Black women in heterosexual partnerships face when their husbands or significant others are structurally foreclosed access to the privileges of patriarchy. Black men don’t just take out their frustrations about white supremacy and white male privilege on other Black men; they come home and take it out on the bodies of women they claim to love. To be clear, most crime is intra-racial, despite conservative public narratives about Black-On-Black crime. So in naming the problem of fatal domestic violence that we have in Black communities, I am not attempting to pathologize Black people. People commit crime where they live, against those in closest proximity to them. But uninterrogated masculinity is a violent enterprise, period. It does not matter the race (or the sex) of the body opting to perform masculinity. If the person does not question what masculinity means, then misogyny, violence, domination and control are par for the course. Even our national political discourse on guns frequently pits one group of men arguing with another group men over their right to have access to guns. But women will not be safe until we create a comprehensive national framework for thinking about domestic violence as structural and state-sanctioned violence. Gabby Giffords’ new Women’s Coalition for Common Sense (on which I serve) is doing work to make the connection between guns and domestic violence, and it is work I applaud. If the state refuses to regulate guns, it continues to support and facilitate a culture where all its citizens are vulnerable to victimization, women and children being chief among them. At the same time, Black political discourses about the value of Black life have severe blind spots when they fail to consider domestic violence as a form of structural and state-sanctioned violence, in which cisgender Black men collude with the state against the well-being of Black women and girls, cis and trans. We are long overdue for creating a comprehensive framework for talking about violence toward Black women, trans\* and cis, that takes into account these forms of structural vulnerability. That conversation will necessarily demand that we interrogate the violent, limited, and narrow forms of masculinity which Black men are asked to perform in churches, in politics, and in cultural production. But while Black communities engage in that work, we need comprehensive gun control legislation. Too many Black (women’s) lives are circumscribed by the barrel of a too-easily accessible handgun. Like the vast majority of Black people I know, I am intimately aware of the way that both women and men in Black communities lose when we fail to demand a shift in the culture of patriarchal violence. I lost my father to gun violence, after he was trying to protect a woman he was dating from a man she knew who had a gun and a temper. Another of my close female relatives survived horrific gun violence at the hands of an intimate partner. And one of my siblings is now co-parenting her partner’s son, because his mother was stalked and murdered by her male intimate partner last year. The brutalization of Black women is quotidian. The murders of cis and trans\* women are usually not committed by the police or by vigilantes. Because of this, these deaths don’t galvanize national movements. Black women are taught to protect the embattled social image of Black men at all costs, even at the cost of our own lives, so we frequently refuse to tell the truth about the levels of brutality we experience. But any time I’m sitting in a room with more than three Black women, if I sit long enough, all three can tell a story of some form of horrific physical or sexual violence that she or another woman whom she cares deeply about has experienced. The truth of it is this: Once a day and something like twice on Sundays, a Black man takes a Black woman to meet her maker. Now we are not solely responsible for this monstrous terrain of Black intimacies. Black folks rarely get to love other Black folks on their own terms. We know Black men are not monsters. We don’t need or require Black women to be angels. But our shared intimate terrain has become a killing field, and this is simply no way to live. Together, in community, we must figure our way out of no way.

### Add On – IPV K2 Alt

IPV prevents larger social movements – case solvency is a pre requisite. O’Doherty 15

O’Doherty, Lorna Jane, et al. "Fractured Identity in the Context of Intimate Partner Violence Barriers to and Opportunities for Seeking Help in Health Settings." Violence against women (2015). TF

IPV produces fear and self-doubt; it threatens a person’s life goals, safety, and even¶ survival; and it is associated with lost agency and ability to control the world (Liang¶ et al., 2005; World Bank, 2012). Evaluative dimensions of self-concept, that is, notions¶ of self-worth and self-esteem (Fleming & Courtney, 1984) underlie self-efficacy and¶ have been shown to relate to abused women’s capacity to escape violence (Cluss et al.,¶ 2006). Although studies have reported on ways in which IPV “spoils” women’s identities¶ and is damaging to self-concept (Hague, Mullender, & Aris, 2003; Moss, Pitula, Campbell, & Halstead, 1996), the effects of IPV on the different dimensions of identity¶ outlined above have not been explored in any systematic way. Furthermore, it¶ appears from the literature that social identity theory (Tajfel, 1981) has not been¶ applied in exploring the impacts of IPV on women’s lives.¶ Applying Brewer’s (2001) framework to the IPV literature suggests ways in which¶ social identities are invoked where IPV is present. Undermining aspects of the personbased¶ social identity is a hallmark of emotional abuse whereby deeply integrated and¶ personal aspects of the victim’s concept of self are targeted (Stark, 2007; Williamson,¶ 2010). Individuals also self-define (and evaluate themselves) in the context of their¶ relationships with significant others and based on their performance of role relationships¶ (Breckler & Greenwald, 1986). Thus, it is unsurprising, given the evaluative¶ context of the intimate relationship, that abused women often report a sense of failure¶ (Waldrop & Resick, 2004). Unreasonable expectations set by the perpetrator make it¶ virtually impossible to “succeed” in the partner role (Williamson, 2010). The violence¶ may also target directly other relational social identities. Herman describes how the¶ most destructive tactics violate women’s basic human attachments (Herman, 1992). At¶ the group level of self-representation, evaluation of the collective self-concept involves¶ intergroup comparison. Here, one strives to associate with groups that are valued and¶ confer benefits for self-esteem (Smith & Tyler, 1997). In the context of an abusive¶ relationship, social participation may be restricted, leading to lost opportunities to¶ derive the benefits of group connections (Liang et al., 2005). Regarding the collective¶ identity, IPV may lead to lost identification with a collective (e.g., religion through¶ spiritual abuse) or identification with an emergent collective of “abused women”¶ (Crawford et al., 2009). Thus, balancing the risks and benefits of disclosing and getting¶ help is an ongoing process for women, with implications for social identities even¶ after they have escaped the violence. Analysis at these different levels of identity may¶ offer further understanding of the barriers facing women in finding pathways to safety.

### State Good

We don’t defend all of the state or forcing people to interact with it– just that the specific plan of taking away abusers guns is good- that’s Zanotti we strategically use the state to fight back

Their cooption args beg the question of empirics since all our offense proves the plan empirically works and outweighs vague slippery slope impact claim

Framework: Evaluate the plan vs. a competitive policy option:

State influence inevitable and reforms are key. **Connell 90**

R. W. Connell 90, “The State, Gender, and Sexual Politics: Theory and Appraisal”, Theory and Society, Vol. 19, No. 5, (Oct., 1990), pp. 507-544, <http://www.jstor.org/stable/657562>

Because of its power to regulate and its power to create, the state is a major stake in gender politics; and the exercise of that power is a constant incitement to claim the stake. Thus the state becomes the focus of interest-group formation and mobilization in sexual politics. It is worth recalling just how wide the liberal state's activity in relation to gender is. This activity includes family policy, population policy, labor force and labor market management, housing policy, regulation of sexual behavior and expression, provision of child care, mass educa- tion, taxation and income redistribution, the creation and use of mili- tary forces - and that is not the whole of it. This is not a sideline; it is a major realm of state policy. Control of the machinery that conducts these activities is a massive asset in gender politics. In many situations it will be tactically decisive. The state is therefore a focus for the mobilization of interests that is central to gender politics on the large scale. Feminism's historical con- cern with the state, and attempts to capture a share of state power, appear in this light as a necessary response to a historical reality. They are not an error brought on by an overdose of liberalism or a capitula- tion to patriarchy. As Franzway puts it, the state is unavoidable for feminism. The question is not whether feminism will deal with the state, but how: on what terms, with what tactics, toward what goals.5" The same is true of the politics of homosexuality among men. The ear- liest attempts to agitate for toleration produced a half-illegal, half-aca- demic mode of organizing that reached its peak in Weimar Germany, and was smashed by the Nazis. (The Institute of Sexual Science was vandalized and its library burnt in 1933; later, gay men were sent to concentration camps or shot.) A long period of lobbying for legal reform followed, punctuated by bouts of state repression. (Homosexual men were, for instance, targeted in the McCarthyite period in the United States.)The gay liberation movement changed the methods and expanded the goals to include social revolution, but still dealt with the state over policing, de-criminalization, and anti-discrimination. Since the early 1970s gay politics has evolved a complex mixture of confrontation, cooperation, and representation. In some cities, including San Francisco and Sydney, gay men as such have successfully run for public office. Around the AIDS crisis of the 1980s, in countries such as the United States and Australia, gay community based organizations and state health services have entered a close - if often tense - long-term relationship.' In a longer historical perspective, all these forms of politics are fairly new. Fantasies like Aristophanes's Lysistrata aside, the open mobilization of groups around demands or programs in sexual politics dates only from the mid-nineteenth century. The politics that characterized other patriarchal gender orders in history were constructed along other lines, for instance as a politics of kinship, or faction formation in agri- cultural villages. It can plausibly be argued that modern patterns re- sulted from a reconfiguration of gender politics around the growth of the liberal state. In particular its structure of legitimation through plebiscite or electoral democracy invited the response of popular mobilization.

They cede the political. **Boggs 97**

Boggs 97 — Carl Boggs, 1997 (“The great retreat: Decline of the public sphere in late twentieth-century America,” Theory & Society, Volume 26, Issue 6, December, Available Online to Subscribing Institutions via SpingerLink, p. 773-775)

The decline of the public sphere in late twentieth-century America poses a series of great dilemmas and challenges. Many ideological currents scrutinized here — localism, metaphysics, spontaneism, post- modernism, Deep Ecology — intersect with and reinforce each other. While these currents have deep origins in popular movements of the 1960s and 1970s, they remain very much alive in the 1990s. Despite their different outlooks and trajectories, they all share one thing in common: a depoliticized expression of struggles to combat and overcome alienation. [end page 773]. The false sense of empowerment that comes with such mesmerizing impulses is accompanied by a loss of public engagement, an erosion of citizenship and a depleted capacity of individuals in large groups to work for social change. As this ideological quagmire worsens, urgent problems that are destroying the fabric of American society will go unsolved — perhaps even unrecognized — only to fester more ominously into the future. And such problems (ecological crisis, poverty, urban decay, spread of infectious diseases, technological displacement of workers) cannot be understood outside the larger social and global context of internationalized markets, finance, and communications. Paradoxically, the widespread retreat from politics, often inspired by localist sentiment, comes at a time when agendas that ignore or side-step these global realities will, more than ever, be reduced to impotence. In his commentary on the state of citizenship today, Wolin refers to the increasing sublimation and dilution of politics, as larger numbers of people turn away from public concerns toward private ones. By diluting the life of common involvements, we negate the very idea of politics as a source of public ideals and visions.74 In the meantime, the fate of the world hangs in the balance. The unyielding truth is that, even as the ethos of anti-politics becomes more compelling and even fashionable in the United States, it is the vagaries of political power that will continue to decide the fate of human societies.¶ This last point demands further elaboration. The shrinkage of politics hardly means that corporate colonization will be less of a reality, that social hierarchies will somehow disappear, or that gigantic state and military structures will lose their hold over people's lives. Far from it: the space abdicated by a broad citizenry, well-informed and ready to participate at many levels, can in fact be filled by authoritarian and reactionary elites — an already familiar dynamic in many lesser- developed countries. The fragmentation and chaos of a Hobbesian world, not very far removed from the rampant individualism, social Darwinism, and civic violence that have been so much a part of the American landscape, could be the prelude to a powerful Leviathan designed to impose order in the face of disunity and atomized retreat. In this way the eclipse of politics might set the stage for a reassertion of politics in more virulent guise — or it might help further rationalize the existing power structure. In either case, the state would likely become what Hobbes anticipated: the embodiment of those universal, collective interests that had vanished from civil society.75 [end page 774]¶ The historic goal of recovering politics in the Aristotelian sense, therefore, suggests nothing less than a revitalized citizenry prepared to occupy that immense expanse of public space. Extension of democratic control into every area of social life requires insurgency against the charade of normal politics, since the persistence of normal politics is just another manifestation of anti-politics. If authentic citizenship is to be forged, then information, skills, and attitudes vital to political efficacy need to flourish and be widely distributed throughout the population, without this, “consciousness transformation” is impossible, or at least politically meaningless. A debilitating problem with the culture of anti-politics, however, is that it precisely devalues those very types of information, skills, and attitudes.

### A2 Radical Alt/Revolution

Their revolution gets crushed and causes massive material violence. Flaherty 05

http://cryptogon.com/docs/pirate\_insurgency.html

USC BA in International Relations, researcher in political affairs, activist and organic farmer in New Zealand

ACS = American Corporate State

THE NATURE OF ARMED INSURGENCY AGAINST THE ACS Any violent insurgency against the ACS is sure to fail and will only serve to enhance the state's power. The major flaw of violent insurgencies, both cell based (Weathermen Underground, Black Panthers**,** Aryan Nations etc.) and leaderless (Earth Liberation Front, People for the Ethical Treatment of Animals, etc.) is that they are attempting to attack the system using the same tactics the ACS has already mastered: terror and psychological operations. The ACS attained primacy through the effective application of terror and psychological operations. Therefore, it has far more skill and experience in the use of these tactics than any upstart could ever hope to attain.4 This makes the ACS impervious to traditional insurgency tactics. - Political Activism and the ACS Counterinsurgency Apparatus The ACS employs a full time counterinsurgency infrastructure with resources that are unimaginable to most would be insurgents. Quite simply, violent insurgents have no idea of just how powerful the foe actually is. Violent insurgents typically start out as peaceful, idealistic, political activists. Whether or not political activists know it, even with very mundane levels of political activity, they are engaging in low intensity conflict with the ACS. The U.S. military classifies political activism as “low intensity conflict.” The scale of warfare (in terms of intensity) begins with individuals distributing anti-government handbills and public gatherings with anti-government/anti-corporate themes. In the middle of the conflict intensity scale are what the military refers to as Operations Other than War; an example would be the situation the U.S. is facing in Iraq. At the upper right hand side of the graph is global thermonuclear war. What is important to remember is that the military is concerned with ALL points along this scale because they represent different types of threats to the ACS. Making distinctions between civilian law enforcement and military forces, and foreign and domestic intelligence services is no longer necessary. After September 11, 2001, all national security assets would be brought to bear against any U.S. insurgency movement**.** Additionally, the U.S. military established NORTHCOM which designated the U.S. as an active military operational area. Crimes involving the loss of corporate profits will increasingly be treated as acts of terrorism and could garner anything from a local law enforcement response to activation of regular military forces. Most of what is commonly referred to as “political activism” is viewed by the corporate state's counterinsurgency apparatus as a useful and necessary component of political control. Letters-to-the-editor... Calls-to-elected-representatives... Waving banners... “Third” party political activities... Taking beatings, rubber bullets and tear gas from riot police in free speech zones... Political activism amounts to an utterly useless waste of time, in terms of tangible power, which is all the ACS understands. Political activism is a cruel guise that is sold to people who are dissatisfied, but who have no concept of the nature of tangible power. Counterinsurgency teams routinely monitor these activities, attend the meetings, join the groups and take on leadership roles in the organizations. It's only a matter of time before some individuals determine that political activism is a honeypot that accomplishes nothing and wastes their time. The corporate state knows that some small percentage of the peaceful, idealistic, political activists will eventually figure out the game. At this point, the clued-in activists will probably do one of two things; drop out or move to escalate the struggle in other ways. If the clued-in activist drops his or her political activities, the ACS wins. But what if the clued-in activist refuses to give up the struggle? Feeling powerless, desperation could set in and these individuals might become increasingly radicalized. Because the corporate state's counterinsurgency operatives have infiltrated most political activism groups, the radicalized members will be easily identified, monitored and eventually compromised/turned, arrested or executed. The ACS wins again.

Intermediate reform is a pre req and they exclude marginalized groups who can’t just rise up. **Delgado 9**

(Richard Delgado 9, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590)

2. The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat. The welfare family may hold a tenants‘ union meeting in their heated living room. CLS scholars‘ critique of piecemeal reform often misses these possibilities, and neglects the question of whether total change, when it comes, will be what we want. 3. CLS Idealism The CLS program is also idealistic. CLS scholars’ idealism transforms social reality into mental construct.“ Facts become intelligible only through the categories of thought that we bring to experience. Crits argue that the principal impediments to achieving an ideal society are intellectual. People are imprisoned by a destructive system of mental categories that blocks any vision of a better world." Liberal capitalist ideology so shackles individuals that they willingly accept a truncated existence and believe it to be the best available. Changing the world requires primarily that we begin to think about it differently.“ To help break the mental chains and clear the way for the creation of a new and better world, Crits practice "trashing"—a process by which law and social structures are shown to be contingent, inconsistent and irrationally supportive of the status qua without good reason. CLS scholars' idealism has a familiar ring to minority ears. We cannot help but be reminded of those fundamentalist preachers who have assured us that our lot will only improve once we "see the light" and are "saved."

This will only cause more Black people to die. **Everitt 10**

Ladd Everitt 10 [(Ladd Everitt, ) Debunking the 'gun control is racist' smear Waging Nonviolence 9-16-2010, brackets in original evidence]

Did lack of access to firearms play a unique role in preventing blacks from vindicating their rights prior to the civil rights movement? That seems to be the obvious inference of statements like, “The former Confederate states’ successful efforts to restrict gun ownership had disastrous long-term consequences for black Americans’ life, liberty and pursuit of happiness.” The problem is that history is replete with examples of African-American communities being severely punished and repressed after they did take up arms against white terrorists. Take, for example, the admission by David Rittgers: Confronted with the prospect of armed freedmen who could stand up for their rights, states across the South instituted gun-control regimes that took away the ability of blacks to defend themselves against the depravity of the Klan. Then there are Eli Cooper and Nat Turner, two African-Americans cited by Justice Thomas in his opinion in McDonald. Thomas cites the remark that Cooper is alleged to have made in Georgia in 1919: “[The] Negro has been run over for 50 years, but it must stop now, and pistols and shotguns are the only weapons to stop a mob.” What he doesn’t tell us is that this statement was apparently the provocation that caused 20 white men to attack Cooper in his home with axes and knives. Nor does Thomas explain how a firearm would have preserved Cooper’s life in such a situation. Finally, the same newspaper article cited by Thomas that mentions Cooper also tells the story of Berry Washington, a black man who was lynched in the same town as Cooper mere months earlier. Washington took up arms against a White terrorist, shooting and killing a man who was about to rape his 16-year-old daughter. After surrendering to the local sheriff, Washington was pulled out of jail by a mob and lynched. Thomas also refers to Nat Turner, a Virginian slave and preacher who staged a rebellion to seek God’s judgment against the institution of slavery. The revolt began on the night of August 13, 1831, when Turner and six of his followers went from house to house killing slave owners and their families with a hatchet and a broad axe. At each house, the rebels freed any slaves they encountered and stocked up on more weapons. Eventually, his force numbered 60 men—all armed with guns, axes, swords and clubs. The revolt lasted nearly 10 days and 57 whites were killed before the group was pushed back by militia and federal forces. Although Turner escaped, he was caught two months later, immediately convicted, and hanged. In Virginia, the retribution was brutal: A reign of terror followed in Virginia. Labor was paralyzed, plantations abandoned, women and children were driven from home and crowded into nooks and corners. The sufferings of many of these refugees who spent night after night in the woods were intense. Retaliation began. In a little more than one day 120 Negroes were killed … One individual boasted that he himself had killed between ten and fifteen Negroes … Negroes were tortured to death, burned, maimed and subjected to nameless atrocities. Thomas himself tells us the broader consequences of Turner’s exercise of “Second Amendment rights”: “The fear generated by these and other rebellions led southern legislatures to take particularly vicious aim at the rights of free blacks and slaves to speak or to keep and bear arms for their defense.” The Colfax Massacre is another tragedy frequently cited by the majority in McDonald. Colfax actually began as a civil rights success story. During the Reconstruction period, African-Americans in the small Louisiana town elected officeholders, held important public positions, and even organized a state militia company led by a black man, William Ward. Eventually, however, their unit was demobilized after moving too aggressively to arrest white terrorists. A withdrawal of federal government support set the stage for the massacre on April 13, 1873, when between 62-81 African Americans—more than half of them armed with firearms—were slaughtered by a larger, better-equipped force of whites. As my boss, CSGV Executive Director Josh Horwitz, and Casey Anderson put it, according to gun rights activists: …the collapse of Reconstruction—and every tragic consequence that followed—could have been avoided if the newly freed slaves had had access to firearms. This explanation of events is a fantasy. It is easy…to identify incidents where the victim of racist violence might have defended themselves more effectively if they had been armed with guns. The idea that white racists could have been kept in check by ensuring widespread access to firearms among black southerners, however, is absurd. In fact, the American experience during and after Reconstruction illustrates that the…premise…that private ownership of guns safeguards individual rights against tyranny of the majority is exactly backward in explaining the relationship between private force and state power in protecting individual rights … Not only is the claim that gun rights could have stopped the Jim Crow system a falsehood, but it covers up the even more important insight that [this argument] is a continuation of a concerted effort, born and nurtured in the antebellum South, to limit the federal government’s effectiveness in protecting the democratic rights of the most vulnerable Americans. I can’t help but think of Lifetime National Rifle Association (NRA) Member Rand Paul advocating for the repeal of a section of the 1964 Civil Rights Act and stating that gun carriers should be a protected class like minorities. Nor could “Reclaim the Dream” rally organizer Rev. Al Sharpton when he recently referred to Paul while noting that King’s life work was conducted “for the precise purpose of pushing for increased federal action and involvement to nullify all discriminatory state and local practices.”

### A2 Reps First

Plan focus is better - They moot 6 min AC offense and can challenge any representation by shifting their framework so I can never engage which turns their ROB since we can’t have meaningful discussions

Exclusive focus on reps erodes meaningful reversal of structures. **Giroux 6**

Henry Giroux 06, prof of edu and cultural studies at Penn State, 6 (Comparative Studies of South Asia)

Abstracted from the ideal of public commitment, the **new authoritarianism represents a** political and economic practice and **form of militarism that loosen[s] the connections among** substantive **democracy**, critical agency, **and critical education. In opposition** to the rising tide of authoritarianism, **educators** across the globe **must make a case for linking learning to progressive social change** while struggling to pluralize and critically engage the diverse sites where public pedagogy takes place. In part, this suggests forming alliances that can make sure every sphere of social life is recognized as an important site of the political, social, and cultural struggle that is so crucial to any attempt to forge the knowledge, identifications, effective investments, and social relations that constitute political subjects and social agents capable of energizing and spreading the basis for a substantive global democracy. **Such circumstances require** that **pedagogy be embraced as a moral and political practice**, one that is directive and not dogmatic, an outgrowth of struggles designed **to resist the increasing depoliticization of political culture that is the hallmark of** the current **Bush** revolution**. Education is the terrain where consciousness is shaped**, needs are constructed, **and the capacity for** individual self-reflection and **broad social change is nurtured** and produced. Education has assumed an unparalleled significance in shaping the language, values, and ideologies that legitimize the structures and organizations that support the imperatives of global capitalism. Efforts to reduce it to a technique or methodology set aside, education remains a crucial site for the production and struggle over those pedagogical and political conditions that provide the possibilities for people to develop forms of agency that enable them individually and collectively to intervene in the processes through which the material relations of power shape the meaning and practices of their everyday lives. Within the current historical context, struggles over power take on a symbolic and discursive as well as a material and institutional form. The struggle over education is about more than the struggle over meaning and identity; it is also about how meaning, knowledge, and values are produced, authorized, and made operational within economic and structural relations of power. Education is not at odds with politics; it is an important and crucial element in any definition of the political and offers not only the theoretical tools for a systematic critique of authoritarianism but also a language of possibility for creating actual movements for democratic social change and a new biopolitics that affirms life rather than death, shared responsibility rather than shared fears, and engaged citizenship rather than the stripped-down values of consumerism. **At stake here is combining symbolic forms** and processes **conducive to democratization with** broader social contexts and the **institutional formations of power itself. The key point** here **is to** understand and **engage educational** and pedagogical **practices from the point of** view of **how they are bound up with larger relations of power. Educators**, students, and parents **need to be clearer about how power works through** and in texts, **representations**, and discourses, **while at the same time recognizing** that **power cannot be limited to the study of** representations and **discourses, even at the level of public policy. Changing consciousness is not the same as altering the** institutional basis of oppression; at the same time, institutional **reform cannot take place without a change in consciousness capable of recognizing not only injustice but also the very possibility for reform, the capacity to reinvent the** conditions [End Page 176] and **practices that make a more just future possible.** In addition, it is crucial to raise questions about the relationship between pedagogy and civic culture, on the one hand, and what it takes for individuals and social groups to believe that they have any responsibility whatsoever even to address the realities of class, race, gender, and other specific forms of domination, on the other hand. For too long, the progressives have ignored that the strategic dimension of politics is inextricably connected to questions of critical education and pedagogy, to what it means to acknowledge that education is always tangled up with power, ideologies, values, and the acquisition of both particular forms of agency and specific visions of the future. The primacy of critical pedagogy to politics, social change, and the radical imagination in such dark times is dramatically captured by the internationally renowned sociologist Zygmunt Bauman. He writes, Adverse odds may be overwhelming, and yet a democratic (or, as Cornelius Castoriadis would say, an autonomous) society knows of no substitute for education and self-education as a means to influence the turn of events that can be squared with its own nature, while that nature cannot be preserved for long without "critical pedagogy"—an education sharpening its critical edge, "making society feel guilty" and "stirring things up" through stirring human consciences. The fates of freedom, of democracy that makes it possible while being made possible by it, and of education that breeds dissatisfaction with the level of both freedom and democracy achieved thus far, are inextricably connected and not to be detached from one another. One may view that intimate connection as another specimen of a vicious circle—but **it is within that circle that human hopes and the chances of humanity are inscribed, and can be nowhere else**.59

### A2 Role Playing Bad

Omitted

### A2 Root Cause

The specific lived experiences of survivors can’t be explained by large-scale social claims. **Denzin 84**

Denzin, Norman K. "Toward a phenomenology of domestic, family violence." American journal of sociology (1984): 483-513.

Within this setting all the dynamics of living together in a small, heterosexual¶ group are played out, producing a simultaneous confusion in¶ the realms of patriarchy, intimacy, service, and interaction. This domestic¶ order is the arena for the clash of social selves and the display of raw¶ emotionality that erupts into violence. The violence that is woven¶ through the structures of this family is an enduring form of relational¶ interaction that is fixed in the social settings of the home. Violent episodes¶ flow into one another, constituting a field of violence that sets itself in¶ front of the family members as a coefficient of adversity, or obstacle to¶ action, often self-imposed, and self-defined (Sartre [1943] 1956, pp. 488-¶ 89), although it derives its origins from external structures. These structures¶ of violent experience are cyclical and assume an autonomous existence¶ in the life of the family. They are seen as causing the violence that is¶ experienced. As the family moves through the phases of tension toward¶ violence and violent outbursts and then into calm, intimate interaction,¶ personal responsibility for the violence is neutralized in the face of these experiential structures (Walker 1979, p. 55). Bad faith (Sartre [1943]¶ 1956, pp. 55-66), which accompanies the act of denial when violence first¶ appears or when it erupts again, secures violence as a potentially permanent¶ feature of daily family life.¶ I will examine this thesis from the standpoint of a critical, interpretive¶ phenomenology which stresses the place of emotionality, the self, and¶ interaction processes in the generation of interpersonal, domestic violence.¶ Briefly stated, my critical phenomenology assumes that the phenomenon¶ of violence must be examined from within; that although structural processes (economic, legal, religious, cultural, ideological) influence and shape family violence, their meanings are filtered and woven through the lives of interacting individuals, each of whom is understood to be a¶ universal singular, embodying in his or her lifetime the forces, contradictions,¶ and ideologies of a particular historical moment (Sartre [1971] 1981,¶ p. ix; Merleau-Ponty 1955; Engels [1884] 1962; Denzin 1984a; Marx¶ [1852] 1983, p. 287). The violence that each family of violence makes and¶ experiences has been made and experienced before. It is not purely spontaneous,¶ made under conditions freely chosen. Rather, it is produced and¶ experienced in situations which have been "given and handed down to¶ them . . . from . . . countless dead generations," also the victims of a¶ violent past that was inherited (Marx [1852] 1983, p. 287). The raw,¶ skeletal, obdurate features of social structures and lived history thus set¶ the stage for domestic violence, which must then be studied through¶ thick, phenomenological descriptions of lived violence (Geertz 1973; Denzin¶ 1984a; Loseke 1983; Loseke and Cahill 1984).

Identifying a root cause of IPV whitewashes culpability from abusers and reaffirms everyday acts of violence. **Kappeler 95**

Susanne Kappeler, Associate Prof @ Al-Akhawayn University, The Will to Violence: The Politics of Personal Behavior, 1995, pg. 6-7

This means engaging also with the discourses which construct violence as a phenomenon but obliterate the agent’s decision to violate. Our unwillingness to recognize the will of those who act violently as their will to act violently, our readiness to exonerate violent behaviour by means of spurious explanations, not only betrays our primary identification with the subjects of violence and our lack of solidarity with [survivors] the victims. It is itself an act of violence: the exercise of ideological violence, of the power of a discourse which legitimates violence, stigmatizes the victims, and treats people not as the agents of their own actions but as material for (‘our’) social policy. Ideology, however, is not just made by others; we are all of us subjects of ideology — as the producers of our own thinking and as the recipients of other people’s discourse — unless we resist such ideological struc­tures of thought and discourse in a continual critique of ideology itself. A decision to violate is not necessarily synonymous with a decision to be ‘bad’ or to commit an injustice. Rather, we have at our disposal structures of thought and argumentation which make such a decision appear rational, justified or even necessary. These structures of thought are deeply rooted in our everyday thinking: they are part of the dominant ideology. We use them in our daily decisions for action — actions which are not necessarily acts of bodily injury and murder, of arson and larceny, and which do not necessarily unleash a major war, but which none the less are acts of violence: violation of the rights and integrity of other people, violation of their dignity and personhood, suppression of their freedom of choice and their self-determination, acts of objectification and of exploitation at every conceivable level — in other words, war, on a small scale and against our nearest if not our dearest. What is remarkable is that this everyday behavior, in so far as it does not fall within the competence of criminal law, is hardly the subject of a serious theoretical discussion. Neither does it attract explicit legitimation; rather, the violence of everyday behavior draws its legitimacy from the ubiquity of such behavior in our society and the social consensus about it as relative ‘harmlessness’ compared with other, that is, recognized forms of violence. That is to say, everyday behavior takes its orientation from the tradition of social practice, reproducing itself through recourse to the status quo. It is so naturalized, in fact, that it is not violent action which attracts attention, but any resistance to it: leaving a violent relationship or situations of violence, resisting bullying, pressure and blackmail, refusing to fight back.

### A2 Ontology/Critique

Critique alone insufficient to challenge gender violence. **Saloom 06**

Rachel Saloom 6, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n98#n98" \t "_self) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n99#n99" \t "_self) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n100#n100" \t "_self) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53" \l "n101#n101" \t "_self) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

### A2 No Reform

This is just a bad state bad K – reforms work and change racism – prefer quantified falsifiable evidence. **Omi 13**

Omi and Winant 13 -- Michael, Associate Professor at UC Berkeley, Howard, Sociology at the University of California, Santa Barbara, [“Resistance is futile?: a response to Feagin and Elias,” Ethnic and Racial Studies, Vol. 36, Issue 6, 2013]

So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. Some of the major reforms of the 1960s have proved irreversible; they have set powerful democratic forces in motion. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his ‘interest convergence hypothesis’ effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act on 2 July 1964 – ‘We have lost the South for a generation’ – count as ‘convergence’? The US racial regime has been transformed in significant ways. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls ‘passive revolutions’ – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. So yes, we think there were important if partial victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined ‘others’ and the democratization of structurally racist societies, but also the recognition and validation by both the state and civil society of racially-defined experience and identity. These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other ‘new social movements’: second-wave feminism, gay liberation, and the environmentalist and anti-war movements among others.

## A2 Word PICs

### A2 Victim PIC

Victim’s comparatively better – it recognizes that the entire system is at fault rather than the individual and that IPV harms self-agency. **Gupta 14**

Rahila Gupta [Rahila Gupta is a freelance journalist and writer. Her work has appeared in The Guardian and New Humanist among other papers and magazines.], "'Victim' vs 'Survivor': feminism and language," Open Democracy, June 16, 2014. CC

In the 70s and 80s, when activists were setting up refuges and centres in the UK to deal with domestic and sexual violence, it was strategic to construct women as victims of male violence in order to win over public sympathy to their cause and government funding for their services. Having portrayed domestic violence as a toxic situation and the perpetrators as indefensible, activists needed to find a way of explaining why battered women often returned to their abusers and answering the age-old question, ‘why didn’t she leave’ in such a way that no blame was attached to the victim. “To the extent that victims are presented as trapped, and survivors, conversely, are shown as making choices, they are constructed in ways that place them at opposite poles of an agency continuum” says Jennifer Dunn who has traced the history of the changing terminology. Activists cited psychological motives such as being trapped by fear, love, guilt or societal expectations of a woman’s role i.e. they constructed a narrative in which the ‘victim’ could not be held responsible for her misfortunes. But this devaluing of women’s capacities did not sit well with feminist politics. Activists began to construct a narrative that posited staying in a violent relationship as a form of resistance and not merely a coping strategy. When ‘staying’ is constructed as a woman exercising choice, the concept of choice becomes so elastic that it’s likely to boomerang and cause serious injury. I part company with such idealisation - especially when there are systemic reasons such as lack of refuges or loss of financial support - which prevent women from leaving, particularly in the developing world. The downside of the political drive to endorse a woman’s actions is to underplay the oppressive power of the system. It is the same language of choice that is used by supporters of prostitution to portray women entering the sex industry as free agents. Women like the research scientist, Brooke Magnanti, who worked as a prostitute to finance her studies and wrote a blog under the pseudonym of Belle De Jour, helped to perpetuate that myth. For the same reasons, women like Laura Maria Agustin who support sex work, dismiss mounting evidence of trafficking of women and girls because any element of ‘coercion’ destroys the central plank of their argument. Agustin rails against what she calls the trafficking ‘rescue industry’ because it takes away the agency of sex workers and ‘objectifies them, treating them as unthinking things that are moved around the world against their will’. However, a group of ex-prostitutes, ESSO, claim that only 2% of women freely enter the sex industry. It is also estimated that 70% of those recruited into prostitution are minors who, by definition, cannot be seen to have made a free choice. Add to this, poverty, homelessness, a history in care, a history of physical or sexual abuse, and drug addiction: if a ‘victim of circumstances’, opts for prostitution as an escape route, it is hardly an example of agency. There are those who argue that the victim narrative saturates first world discourse about third world women. Chandra Mohanty in her famous essay Under Western Eyes objects to the representation of third world women as ‘victims’, and questions feminist scholarship that homogenises a category as wide as ‘third world woman’ without taking into account the specificities of class, religion, cast and culture. While I would agree with her, this approach has also spawned a problematic anti-orientalist feminist scholarship; any critique of harmful cultural practices, religious orthodoxy and their impact on women tend to be dismissed as Orientalist. In 2012, openDemocracy carried a series of articles on ‘Citizenship after Orientalism’, some of which exhibited exactly this tendency. For Lisa Pilgram, any opposition to shari’a law is a form of orientalism. Similarly, Letitia Sabsay believes that any challenge to the hijab is reproducing the Orientalist trope of victimhood that has bedevilled the Muslim woman. However, what this counter narrative cannot accommodate is the existence of dissenting traditions and voices like mine, speaking from within the culture whilst being critical of it, and so it too, ends up homogenising third world women as a group who happily accept their culture as it stands. An enabling state with better resourced provision of shelters, and better implemented legislation on violence against women, reduces the prospect of women becoming victims. As it happens, an unpalatable fact to some, this is more likely to be found in the developed world rather than the developing world. Educated urban women in employment and with access to some personal wealth in places like the Indian sub-continent are less likely to become victims of their circumstances. But many women and girls, by reason of poverty, misogyny, entrenched caste prejudice and a negligent police force, like the recent shocking case of the Dalit girls, who were gang-raped and hung, are victims. Others like the Delhi based sisters, who were blinded and burnt by acid thrown over their faces by a rejected and vengeful suitor, on whose behalf Southall Black Sisters ran a fundraising campaign in 2010, may have survived, but their lives are blighted with depression and suicide attempts. Although the fundraising campaign dutifully referred to them as survivors, they are, in fact, victims; they are surviving, not living. There are also practical implications of the terminology used which can lead to a withdrawal of support or funds from the state or other donors. For example, Rob Jenkins, while discussing the role of women in food security and peacebuilding in post-conflict states, has argued that women’s rights campaigners in emphasising the agency of women in opposition to the ‘tendency to characterize women as ‘victims’ (of war, of development, of states, of patriarchy)’, have unwittingly sided with neoliberal demands for minimal state intervention. Whilst I understand why victim became a dirty word in feminism, I feel that the insistence of ‘survivor’ does a disservice to feminism: 'survivor' celebrates the individual, but 'victim' recognises the enormity of the system we are up against, and its brutalising potential.

# Frontlines – NC

## Frontlines – FW

### A2 Wood/Ideal Theory Good

Omitted

### A2 Chesterton/Ruler of Changing Length

Omitted

### A2 Doesn’t Guide Action

Omitted

### A2 Need to know reasons things are bad

Omitted

### A2 Justification k2 Fight Oppression

Omitted

### A2 Valentini/Ethics Shouldn’t be Practical

Omitted

## A2 Deont NC

### OV

Omitted

### A2 Need Freedom to Decide

Omitted

### A2 Korsgaard

Omitted

### A2 Universalizability

Omitted

### A2 Agency

1. Omitted

### A2 Velleman (Authority of Reason)

1 Omitted

## A2 Specific NCs

### A2 Ripstein NC

Omitted

### A2 Constitutionality NC

***[A2 Framework]***

Omitted

***[Contention]***

Banning specific groups of people like dating partners is constitutional.

Winnie Stachelberg, Arkadi Gerney, Chelsea Parsons, Megan Knauss, "Preventing Domestic Abusers and Stalkers from Accessing Guns," Center for American Progress, May 9th, 2013. CC

While opinions may differ as to the scope of the Second Amendment right to keep and bear arms, almost all Americans agree that criminals should not have access to guns. Congress recognized the need to keep guns out of the hands of dangerous people more than 40 years ago when it passed the Gun Control Act of 1968, which prohibited felons and other dangerous individuals from owning guns. The Supreme Court has also sanctioned restrictions on gun ownership by such individuals, repeatedly holding in recent decisions that such federal and state laws to prohibit gun ownership by criminals and other dangerous individuals are well within the bounds of the Constitution. One group of people who are at a heightened risk of gun attacks is women who are targets of domestic violence and stalking. We know that intimate-partner violence is a pernicious crime that affects millions of women across the country. Women are more than three-and-a-half times as likely to be killed by an intimate partner than men. In 2005, 40 percent of female homicide victims nationwide were killed by a current or former intimate partner, and guns were used in more than half of those murders. The lethality of domestic-violence incidents—and therefore the risk to women—increases exponentially when a firearm is present in the home: Having a gun in the home increases the risk of homicide of an intimate partner by eight times compared to households without guns. This risk of homicide increases by 20 times compared to households without guns when there is a history of domestic violence in the family. Congress has previously recognized the unique dangers posed by domestic abusers with guns. In the mid-1990s it enacted legislation to ban domestic-violence misdemeanants and individuals subject to some domestic-violence restraining orders from buying or possessing guns. But the current laws do not go far enough to protect women from the dangers presented by batterers and stalkers with guns. Federal law that is currently designed to protect women from gun violence suffers from four key weaknesses: Background checks are not required on all gun sales, so domestic abusers prohibited from gun ownership can easily circumvent the gun-ownership ban by buying a gun from a private seller. The federal limits on domestic abusers are too narrow because they omit abusers in dating relationships and abusers subject to some emergency restraining orders. There is no federal ban on gun ownership for stalkers convicted of misdemeanor crimes and who are subject to restraining orders. Federal, state, and local authorities do not adequately enforce the laws already in place by disarming and prosecuting domestic abusers who violate the current laws and maintain possession of firearms. This report examines all of these gaps in current law and law enforcement, and cites case examples of how each gap enabled domestic abusers and stalkers to obtain the guns they used to murder women. These weaknesses in federal law and law enforcement leave untold numbers of women vulnerable to gun violence committed by men who have harassed, stalked, threatened, and terrorized them, often for years. Congress must act to close these loopholes in the law and ensure that victims of stalking and domestic violence are not further victimized, looking at the end of a gun.

### A2 Deont/Freedom NC

Omitted

### A2 Levinas NC

Omitted

### A2 God NC

Omitted

# 1AR KS

### Domestic Violence K

The term “domestic violence” trivializes the criminal nature of the violence and acts as if it’s only in the private sphere – IPV solves. **Douglas 04**

Heather Douglas “Crime in the intimate sphere: prosecutions of intimate partner violence” 7 newscastle l. rev 80 (2004)

In this paper I have eschewed the use of **the term ‘domestic violence’**, this term has suffered criticism in recent times. It has been suggested that the use of the term ultimately **hampers further enquiry as it denotes a status relationship as well as a special one, separate such violence out from and somehow modifying ordinary violence**. Others note that although **the term**, when it was initially contrived, was both radical and useful, it may now work to **trivialize the violence which broadly is occurring in the context of the home**. One judge recently noted that he disliked the term ‘domestic violence’ because **the term disguised its criminal nature**. It is thus difficult to know how to appropriately name the violence that is the subject of this paper. **Its relationship context and gendered nature is extremely relevant** and important **to understanding and dealing with it**. Rather than trivializing it, its status should be seen to exacerbate its seriousness, it is separate from other violence, it is worse. **This type of violence is** worse and **more serious than many other forms of violence because its perpetrators exploit the intimate knowledge they have of their victim** and because it frequently exploits a power imbalance between the parties. **As a result of these considerations I have used** **the term ‘intimate partner violence’** to **denote** that **violence which takes place between those in** defacto or marriage relationships or those formerly in such **relationships**. Previous research has found that most DVOs are applied for by women against their male intimates or previous intimates (rather than by men against women). This research supports the view that violence against women by men in intimate relationships is more likely to occur and generally more serious than violence against men by women. The violence discussed here is very much about gender and relationship and this is played out in the fact scenarios I will discuss below. The reality for women continues to be that they are more likely to suffer violence from their intimate partner (or previous partner) than any other person.

Makes it seem like it’s only of the home – we treat the home as distinct from other places – if you just say they considered violence you’d say that’s a crime – but domestic violence makes it seem like a private affair- harder to criticize bc makes it seem like not for others to talk about

IPV doesn’t do that bc just specifies violence between two people who are intimate

This is a voting issue – drop the flow – this is a teachable moment **Vincent 13**

Chris Vincent, Re-Conceptualizing our Performances: Accountability in Lincoln Douglas Debate, Vbriefly, 2013. NS

The question then becomes how does our discourse justify what we believe? For many debaters it is the gaming aspect of debate that allows us to assume that our speech can be disconnected from the speech act. The speech can be defined as the arguments that are placed on the flow, and is evaluated in the context of what is the most logical and rational argument to win the round. The critical distinction is the speech act, which is the performance of that discourse. It’s not what you say, but what you justify. Understanding the speech act requires critically assessing the ramifications of the debaters discourse. Debate is in and of itself a performance. To claim that it is not is to be divorced from the reality of what we do. We must evaluate what a debaters performance does and justifies. For white debaters it is easy to view the discourse as detached from the body. For those with privilege in debate, they are never forced to have their performance attached to them but instead their arguments are viewed as words on paper. They are taught to separate themselves from any ideologies and beliefs, and feel that there is no consequence to what they say. It becomes the way in which they justify what is deemed as “rational” and “logical” thought. The argument sounds like it will be competitive so it is read but it is deemed as just an argument. Judges evaluate this as just a speech. This becomes what I deem as a performance by the body, rather than a performance of the body. Performances by the body allow debaters to not be held accountable to the words they say. Words are seen as divorced from any meaning outside of the flow, versus the performance of the body where the words are attached to the body itself. Debaters often insert the performance by the body, when they make arguments that they claim that they do not believe, but think it is the best strategy for the round. This is a false assumption, since for black debaters meaning is always connected to their bodies. The best strategy should never be one that at the same time justifies acts of racism. Charles Mills argues that “the moral concerns of African Americans have centered on the assertion of their personhood, a personhood that could generally be taken for granted by whites, so that blacks have had to see these theories from a location outside their purview.” For example, I witnessed a round at a tournament this season where a debater ran a utilitarianism disadvantage. His opponent argued that this discourse was racist because it ignores the way in which a utilitarian calculus has distorted communities of color by ignoring the wars and violence already occurring in those communities. In the next speech, the debater stood up, conceded it was racist, and argued that it was the reason he was not going for it and moved on, and still won the debate. This is problematic because it demonstrates exactly what Mill’s argument is. For the black debater this argument is a question of his or her personhood within the debate space and the white debater was not held accountable for the words that are said. Again for debaters of color, their **performance is always attached to their body which is why it is important that the performance be viewed in relation to the speech act.** Whites are allowed to take for granted the impact their words have on the bodies in the space. They take for granted this notion of personhood and ignore the concerns of those who do not matter divorced from the flow. It is never a question of “should we make arguments divorced from our ideologies,” it is a question of is it even possible. It is my argument that our performances, regardless of what justification we provide, are always a reflection of the ideologies we hold. Why should a black debater have to use a utilitarian calculus just to win a round, when that same discourse justifies violence in the community they go back home to? **Our performances and our decisions in the round, reflect the beliefs that we hold when we go back to our communities. As a community we must re-conceptualize this distinction the performance by the body and of the body by re-evaluating the role of the speech and the speech act. It is no longer enough for judges to vote off of the flow anymore.** Students of color are being held to a higher threshold to better articulate why racism is bad, which is the problem in a space that we deem to be educational. It is here where I shift my focus to a solution. **Debaters must be held accountable for the words they say in the round. We should no longer evaluate the speech. Instead we must begin to evaluate the speech act itself. Debaters must be held accountable for more than winning the debate. They must be held accountable for the implications of that speech. As educators** and adjudicators **in the debate space we also have an ethical obligation to foster an atmosphere of education**. It is not enough for judges to offer predispositions suggesting that they do not endorse racist, sexist, homophobic discourse, or justify why they do not hold that belief, and still offer a rational reason why they voted for it. Judges have become complacent in voting on the discourse, if the other debater does not provide a clear enough role of the ballot framing, or does not articulate well enough why the racist discourse should be rejected. Judges must be willing to foster a learning atmosphere by holding debaters accountable for what they say in the round. They must be willing to vote against a debater if they endorse racist discourse. They must be willing to disrupt the process of the flow for the purpose of embracing that teachable moment. The speech **must be connected to the speech act. We must view the entire debate as a performance of the body, instead of the argument solely on the flow.** Likewise, **judges must be held accountable for what they vote for in the debate space.** If a judge is comfortable enough to vote for discourse that is racist, sexist, or homophobic, they must also be prepared to defend their actions. We as a community do not live in a vacuum and do not live isolated from the larger society. That means that judges must defend their actions to the debaters, their coaches, and to the other judges in the room if it is a panel. Students of color should not have the burden of articulating why racist discourse must be rejected, but should have the assurance that the educator with the ballot will protect them in those moments. 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### Victim K

Using the terminology of victim is actively disempowering – robs individuals of agency and devalues acts of resistance – survivor is key. **Akhila 12**

Akhila [recent graduate of Harvard Law School, and a current fellow at Open Society Foundations, studies and work in the area of legal empowerment, access to justice, and ending gender-based violence.] “Why words matter: Victim v. Survivor” March 13, 2012. CC

Throughout my work with domestic violence survivors, as well as the trainings I’ve participated in on domestic violence issues, one thread weaves through our constant efforts: empowerment. And the truth is that the language we use – subtle as it may be – makes a huge impact. There are many reasons to use the term “survivor” and not “victim.” ‘Victim’ could imply passivity, acceptance of one’s circumstances, and a casualty. The word ‘victim’ robs individuals of their agency and their ability to fight back. ‘Survivor’ displays the individual’s resistance, ability to take action in the face of immense obstacles, and the day-to-day work of surviving despite immense trauma. ‘Survivor’ implies ingenuity, resourcefulness, and inner strength. I think using ‘victim’ diminishes the inner strength of those who have experienced any sort of domestic/sexual/gender-based violence — or really, violence more broadly. The truth is when trauma of this level hits an individual, even the simple act of surviving – making it to the next day – can involve immense strength. But calling someone a victim might diminish their agency in their survival, and makes light of all they are doing to keep going. It ignores the fact that many survivors are moving forward with their lives and healing from the trauma.

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Using the terminology of survivor is key – victim language focuses on prior experiences instead of letting people reclaim their power. **Wood 13**

Sarah Wood, "Victim vs. Survivor, and Why It Matters.” Sarah Wood Therapy. March 31, 2013. CC

Anyone who has spoken to me in any depth on the topic will have heard me use the word “survivor” when describing individuals who have experienced childhood abuse, sexual trauma, or any kind of interpersonal violence. Some people have asked me, why do I choose to use the term “survivor” over the more commonly used term “victim”? And why’s the distinction so important anyway? Let us see what the dictionary has to say on the matter: vic·tim: one that is acted on and usually adversely affected by a force or agent; one that is injured, destroyed, or sacrificed under any of various conditions; one that is subjected to oppression, hardship, or mistreatment. sur·vi·vor: one who lives through affliction; one who continues to function or prosper in spite of opposition, hardship, or setbacks. Immediately, you can see some major differences. A victim is defined by the harm that has come to them; a survivor is defined by their life afterwards. A victim has been destroyed and mistreated; a survivor has continued to live and prosper despite having been victimized. A victim is powerless, at the mercy of others; a survivor has reclaimed their power. I strongly believe that the language we use has a significant impact on how we view ourselves and the world. Using the word “victim” to describe someone diminishes their strength and resilience. It keeps focus on their traumatic experiences instead of everything that they have accomplished since then. For many survivors of trauma, simply going about their day-to-day routine takes incredible reserves of strength and determination! Some people will toss about the phrase “victim mentality” when describing someone, a description which seems to pass judgment on that individual’s feelings of disempowerment and blame them for feeling stuck. It isn’t easy to just unstick yourself from feeling powerless, especially when those feelings have been with you for years. The first step in reclaiming your power is to recognize that you have lost touch with your power, but not lost it entirely; that just because you don’t know how to get it back doesn’t mean that getting it back is impossible; and that you need help.

# Methods

### Mascia 15

Multiple time-series design – dependent variables were counts of homicide victims killed with firearms of at least 15 years of age who identified as former or present spouses or dating partners – independent variables were state laws reducing IPV misdemeanants access to firearms and state laws allowing police officers to confiscate firearms from the scene of IPV

Study design and population

We used a multiple time-series design to study trends in IPH and firearm IPH in 46 of the largest US cities from 1979 to 2003. Data on IPH were obtained from the FBI's Supplementary Homicide Reports (SHR).15 The dependent variables were measured as counts of homicide victims, or homicide victims killed with firearms, of at least 15 years of age identified as spouses, former spouses, boyfriends, girlfriends or homosexual partners of the offenders.

Independent variables

Two sets of targeted IPV policies were examined in this research, including policies designed to limit a known IPV perpetrator's access to firearms. We examined state laws reducing access to firearms for those under DVROs; state laws reducing a domestic violence (DV) misdemeanant's access to firearms; and state laws allowing police officers to confiscate firearms from the scene of DV. To be consistent with previous research, we used data on the passage of these laws, found in Vigdor and Mercy.16 As a control, the models included federal laws to reduce access to firearms for those under DVROs and for DV misdemeanants.

We also estimated the effects of laws that allow police to make warrantless arrests for DVRO violations and laws that mandate arrest when officers see evidence of a DVRO violation. Data on these laws up to the year 1996 were obtained from Dugan et al17 and updated using the LexisNexis State Capital database. IPV-targeted laws were represented by dichotomous variables set to one if a city-year was subject to the law and zero if it was not.

Data on police staffing levels were collected from the Uniform Crime Reports.18 Consistent with prior research, police staffing levels were measured as the natural logarithm of the number of sworn officers per 1000 persons.19 20 Because the measurement of police staffing levels occurs annually on 1 October, the variable was lagged by 1 year in the models to more accurately represent contemporary levels.

Given the low cost, wide appeal, and price elasticity of beer, the beer excise tax was used in this research.21 State taxes are often used in research as a measure of alcohol price because the majority of variation in price across states is due to differing tax rates.22 Data regarding the federal, state and city excise taxes on beer per gallon were originally collected by Markowitz et al.23 The federal tax was measured as a dichotomous variable to represent its single, large increase during the study period, while state and local taxes were combined in a continuous variable and adjusted for inflation to 1983 cents.

The models included as a control the prevalence of firearm ownership, measured as the percentage of suicides committed with firearms in the county in which the majority of each study city resides.24 This measure is positively correlated with femicide at the state level.25 However, while it is a good proxy in the cross-section, it has only been weakly related to temporal changes in household prevalence of gun ownership.24 Data were obtained from the CDC WONDER database.26 27

This study built on similar research by Dugan et al17 that examined the effects of state and local policies and victim resources on IPH in US cities from 1976 to 1996, using and updating that dataset with information from the same governmental agencies as the original data.

The percentages of the population over 15 years of age, married and divorced, were included as controls because of their previous significant associations with IPH.28 The percentage of the population that was Black was included as a control due to the higher rates of IPH experienced by Blacks than Whites.29

Feminists posit that IPV is largely determined by gender inequality. Prior research on the link between gender inequality (as measured by differences in educational level) has shown both positive and negative relationships depending on the race, gender and marital status of victims.17 We measure gender equality by the ratio of the percentage of women over 25 years of age with bachelor's degrees to the percentage of men over 25 years of age with bachelor's degrees, and include this as a control variable. Population data are from the decennial censuses.30–33

Lack of financial resources reduces the abilities of women to leave abusive relationships.17 Public assistance programmes, such as Aid to Families with Dependent Children (AFDC), now Temporary Assistance for Needy Families (TANF), may contribute to a woman's financial ability to leave an abusive relationship. Higher AFDC benefits are associated with lower rates of IPH victimisation of men.17 Per capita income, obtained from the US Bureau of Economic Analysis,34 and AFDC/TANF benefit levels for a family of four, obtained from the US House of Representatives' Green Books,35–38 were both measured in 1983 dollars.

City fixed effects were used to control for unmeasured factors that cause IPH rates to vary from city to city. A linear trend term controlled for omitted factors such as gradual changes in the social norms and resources relevant to IPV that may affect IPH rates nationally over time, while year dummies approximated factors that caused the national rates to change from year to year. The linear trend term was interacted with city fixed effects to account for factors that cause IPH rates to vary over time differently across cities. To control for broader trends in lethal violence and the unmeasured social forces underlying those trends, the non-intimate partner homicide rate for adults aged 25 years and older was included in the analysis.15

Statistical approach

The statistical models used generalised estimating equations, clustered by city, to control for serial correlation of model errors, common in longitudinal data.39 The offset for the dependent variable was the natural logarithm of the number of people at risk in that city-year. There was no evidence of overdispersion, therefore the count data were modelled by the Poisson distribution.

Endogeneity, which can result if IPH influences the passage of the policies under study, can bias model estimates. The influence of previous levels of IPH and firearm IPH on the passage of each policy was tested; the only significant association found was the negative effect of the three-year lag of firearm IPH levels on passage of the misdemeanour firearm restriction law. To reduce any bias endogeneity might introduce into the models, each of the policies, with the exception of the beer tax variables, was lagged by 1 year in the models. The bias introduced by feedback endogeneity, however, is largely removed from the present models because of the large number of time periods under study.40

Due to the multiple hypotheses under study, a post-hoc Bonferroni correction was used and regression estimates were considered statistically significant if the corrected p-value for a two-tailed test was less than 0.05.

### DS

The plan has empirically worked and massively reduces IPV. **Everytown 15**

Every Town, State Background Check Requirements and Rates of Domestic Violence Homicide, 1/15/15. NS

Loopholes in federal and state law make it easy for dangerous people – including domestic abusers – to get guns. But Everytown’s research shows that common-sense public safety laws can help reduce intimate partner gun violence of women and save lives. Simply put, background check laws make women safer: Controlling for population, there are 46 percent fewer intimate partner gun homicides of women in states that require background checks for private handgun sales than in states that do not. Methodology: Everytown compared the number of women killed with guns by current or former male partners (husband, ex-husband, common-law husband, or boyfriend) over a five-year period (2008-12) in states that did or did not require background checks for unlicensed, “private” handgun sales. Data were obtained from the FBI’s Supplementary Homicide Reports (SHR).1 The SHR do not include data from the state of Florida. We obtained data for that state directly from the Florida Department of Law Enforcement. Women killed by former (as opposed to current) dating-partners are not categorized in the data, and could not be included. The SHR data is periodically updated as new information on deaths becomes available. This analysis used data obtained on September 25, 2014. Results Throughout the study period, 14 states and the District of Columbia2 required all gun buyers to undergo background checks before buying handguns in unlicensed sales, and 36 states did not. During that period, the FBI and Florida Department of Law Enforcement recorded 911 gun homicides of women by current or former intimate partners in the former group of states, and 2,199 in the latter. Adjusting for population, there were 46 percent fewer intimate partner gun homicides of women in states that require background checks for all handgun sales than in states that do not.

# Old Versions

## AC - Normal

### Part One is Framework

The role of the ballot is to resist the imposition of dominant ideology on marginalized groups in educational spaces. **Trifonas** **03**

Trifonas, Peter. PEDAGOGIES OF DIFFERENCE: RETHINKING EDUCATION FOR SOCIAL CHANGE. New York, London. 2003.

Domination and subordination, I imply that they are relations of power. **In** an **education**al context, the exercise of **power is accomplished in interactions** (i.e., in a social organization), manifesting itselfas acts **of** exclusion, **marginalization**, silencing, and so forth. Thus**,** **paying attention to** how **power** operatesalong axes of gender, race, class, and ability (that is, recognizing that social differences are not given, but are accomplished in and through educational settings) **is a step toward educational equity**. What does the above discussion mean in the educational context? It means that in the interactions of teachers with students in the classroom, or in other contexts, **attention needs to be directed toward how dominant** andsubordinate **relations** (be they based on race, gender, class, or ability) **permeate these contexts and** intersect in complicated ways to **produce inequality** and marginalization. The frequently used and well-meaning phrase, “I treat everyone the same, ” often used by teachers and administrators to indicate their lack of bias in a diverse educational setting, in fact masks unequal power relations. Similarly, educational policies that assume that people are the same or equal may serve to entrench existing inequality precisely because people enter into the educational process with different and unequal experiences. These attempts, well meaning though they may be, tend to render inequality invisible, and thus work against equity in education. In her exploration of white privilege in higher education in the United States, Frances Rains (1998), an aboriginal-Japanese American woman, states emphatically that these benign acts are disempowering for the minority person because they erase his or her racial identity. The denial of racism in this case is in fact a form of racism. **Thus, in moving toward equity in education that allows us to address multiple and intersecting axes of difference and inequality, I recommend that we try to think and act “against the grain” in developing educational policies and handling various kinds of pedagogical situations. 5 To work against the grain is to recognize that education is not neutral; it is contested**. Mohanty puts it as such: … [E]ducation represents both a struggle for meaning and a struggle over power relations. [It is] a central terrain where power and politics operate out of the lived culture of individuals and groups situated in asymmetrical social and political positions. (Mohanty 1990:184) We need to develop a critical awareness of the power dynamics operative in institutional relations-and of the fact that people participate in institutions as unequal subjects. **Working against the grain is to take a proactive approach to understanding and acting upon institutional relations, whether in the classroom, in other interactions with students, or in policy development. Rather than overlooking the embeddedness of gender, race, class, ability, and other forms of inequality that shape our interactions, working against the grain** makes explicit the political nature of education and how power operates to **privilege, silence, and** marginalize individuals who are differently located in the educational process. In her exploration of feminist pedagogy, Linda Briskin (1990) makes a clear distinction between nonsexist and antisexist education critical to our understanding here. She asserts that nonsexism is an approach that attempts to neutralize sexual inequality by pretending that gender can be made irrelevant in the classroom. Thus, for instance, merely asserting that male and female students should have equal time to speak-and indeed giving them equal time-cannot adequately rectify the endemic problem of sexism in the classroom. One of Briskin's students reported that in her political science tutorials that when the male students spoke, everyone paid attention. When a female student spoke, however, the class acted as if no one was speaking (13). Neutrality is an attempt to conceal the unequal distribution of power. An against the grain approach would acknowledge explicitly that we are all gendered, racialized, and differently constructed subjects who do not participate in interactional relations as equals. This goes beyond formulating sexism, racism, abilism, and class privilege in individualist terms and treating them as if they were personal attitudes. Terry Wolverton (1983) discovered the difference between nonracism and antiracism in her consciousness-raising attempt: I had confused the act of trying to appear not to be racist with actively working to eliminate racism. Trying to appear not racist had made me deny my racism, and therefore exclude the possibility of change. (191) Being against the grain means seeing inequality as systemic and interpersonal (rather than individual), and combatting oppression as a collective responsibility, not just as a personal attribute (so that somehow a person can cleanse herself or himself of sexism, racism, abilism, or class bias). It is to pay attention to oppression as an interactional property that can be altered (see Manners 1998). Roger Simon (1993) suggests, in his development of a philosophical basis for teaching against the grain, which shares many commonalities in how I think about an integrative approach to equity in education, that teaching against the grain is fundamentally a moral practice. By this he does not mean that teachers simply fulfill the mandate and guidelines of school authorities. He believes that teachers must expose the partial and imperfect nature of existing knowledge, which is constructed on the basis of asymmetrical power relations (for instance, who has the power to speak and whose voices are suppressed?). It is the responsibility of the teacher or educator to show how dominant forms of knowledge and ways of knowing constrict human capacities. In exposing the power relations integral to the knowledge construction process, the educator, by extension, must treat teaching and learning as a mutual and collaborative act between teachers and students. What may this ideal look like in practice? Marilyn Cochran-Smith (1991) also explores the notion of teaching against the grain in her research on how teachers and students worked together in a preservice program in the Philadelphia area. Borrowing from Gramsci's formulation that action is everyone's responsibility, she asserts that teaching is fundamentally a political activity. In practical terms, she outlines what it may mean to teach against the grain in an actual teaching and learning situation. Her succinct articulation is worth quoting at length: To teach against the grain, teachers have to understand and work both within and around the culture of teaching and the politics of schooling at their particular schools and within their larger school system and communities. They cannot simply announce better ways of doing things, as outsiders are likely to do. They have to teach differently without judging the ways other teach or dismissing the ideas others espouse…. [They] are not at liberty to publicly announce brilliant but excoriating critiques of their colleagues and the bureaucracies in which they labor. Their ultimate commitment is to the school lives and futures of the children with whom they live and work. Without condescension or defensiveness, they have to work with parents and other teachers on different ways of seeing and measuring development, connecting and dividing knowledge, and knowing about teaching and schooling. They have to be astute observers of individual learners with the ability to pose and explore questions that transcend cultural attribution, institutional habit, and the alleged certainty of outside experts. They have to see beyond and through the conventional labels and practices that sustain the status quo by raising unanswerable and often uncomfortable questions. Perhaps most importantly, teachers who work against the grain must name and wrestle with their own doubts, must fend off the fatigue of reform and depend on the strength of their individual and collaborative convictions that their work ultimately makes a difference in the fabric of social responsibility. (Cochran-Smith 1991:284-85) For me, to be against the grain is therefore to recognize that the routinized courses of action and interactions in all educational contexts are imbued with unequal distribution of power that produce and reinforce various forms of marginalization and exclusion. Thus, a commitment to redress these power relations (i.e., equity in education) involves interventions and actions that may appear “counter-intuitive.” 6 Undoing inequality and achieving equity in education is a risky and uncomfortable act because we need to disrupt the ways things are “normally” done. **This involves a serious** (and frequently threatening) **effort to interrogate our privilege** as well as our powerlessness. It obliges us to examine our own privilege relative though it may be,to move out of our internalized positions as victims, to take control over our lives, and **to take responsibilities for change.** It requires us to question what we take for granted, and a commitment to a vision of society built on reflection, reform, mutuality, and respect in theory and in practice. Teaching and learning against the grain is not easy, comfortable, or safe. It is protracted, difficult, uncomfortable, painful, and risky. It involves struggles with our colleagues, our students, as well as struggles within ourselves against our internalized beliefs and normalized behaviors. In other words, it is a lifelong challenge. However, as Simon (1993) puts it, teaching against the grain is also a project of hope. We engage in it with the knowledge and conviction that we are in a long-term collaborative project with like-minded people whose goal is to make the world a better place for us and for our children.

Attempting to abstract away from social realities is repugnant and eliminates the possibility of a concrete solution to oppression. **Curry 14**

Curry, Tommy J. [Ph.D., Associate Professor of Philosophy, Texas A & M University] “The Cost of a Thing: A Kingian Reformulation of a Living Wage Argument in the 21st Century.” Victory Briefs, January/February 2015. CC

**Despite the pronouncement of debate as an activity and intellectual exercise pointing to the real world consequences of dialogue**, thinking, and (personal) politics when addressing issues of racism, sexism, economic disparity, global conflicts, and death, many of the discussions concerning these ongoing challenges to humanity are fixed to a paradigm which sees the adjudication of material disparities and sociological realities as the conquest of one ideal theory over the other. In “Ideal Theory as Ideology,” Charles Mills outlines the problem contemporary theoretical-performance styles in policy debate and value-weighing in Lincoln-Douglass are confronted with in their attempts to get at the concrete problems in our societies. At the outset, Mills concedes that “ideal theory applies to moral theory as a whole (at least to normative ethics as against metaethics); [s]ince ethics deals by definition with normative/prescriptive/evaluative issues, [it is set] against factual/descriptive issues.” At the most general level, the conceptual chasm between what emerges as actual problems in the world (e.g.: racism, sexism, poverty, disease, etc.) and how we frame such problems theoretically—the assumptions and shared ideologies we depend upon for our problems to be heard and accepted as a worthy “problem” by an audience—is the most obvious call for an anti-ethical paradigm, since such a paradigm insists on the actual as the basis of what can be considered normatively. Mills, however, describes this chasm as a problem of an ideal-as-descriptive model which argues that for any actual-empirical-observable social phenomenon (P), an ideal of (P) is necessarily a representation of that phenomenon. In the idealization of a social phenomenon (P), one “necessarily has to abstract away from certain features” of (P) that is observed before abstraction occurs. ¶ This gap between what is actual (in the world), and what is represented by theories and politics of debaters proposed in rounds threatens any real discussions about the concrete nature of oppression and the racist economic structures which necessitate tangible policies and reorienting changes in our value orientations. As Mills states: “What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual,” so what we are seeking to resolve on the basis of “thought” is in fact incomplete, incorrect, or ultimately irrelevant to the actual problems which our “theories” seek to address. Our attempts to situate social disparity cannot simply appeal to the ontologization of social phenomenon—meaning we cannot suggest that the various complexities of social problems (which are constantly emerging and undisclosed beyond the effects we observe) are totalizable by any one set of theories within an ideological frame be it our most cherished notions of Afro-pessimism, feminism, Marxism, or the like. At best, theoretical endorsements make us aware of sets of actions to address ever developing problems in our empirical world, but even this awareness does not command us to only do X, but rather do X and the other ideas which compliment the material conditions addressed by the action X. As a whole, debate (policy and LD) neglects the need to do X in order to remedy our cast-away-ness among our ideological tendencies and politics. How then do we pull ourselves from this seeming ir-recoverability of thought in general and in our endorsement of socially actualizable values like that of the living wage? It is my position that Dr. Martin Luther King Jr.’s thinking about the need for a living wage was a unique, and remains an underappreciated, resource in our attempts to impose value reorientation (be it through critique or normative gestures) upon the actual world. In other words, King aims to reformulate the values which deny the legitimacy of the living wage, and those values predicated on the flawed views of the worker, Blacks, and the colonized (dignity, justice, fairness, rights, etc.) used to currently justify the living wages in under our contemporary moral parameters.

And standpoint epistemology is the best starting point for moral decisions – other methods exclude some viewpoints, which makes true analysis of reality impossible. **Mills 5**

\*\*Edited for ableist language

Charles Mills, “Ideal Theory” as Ideology, 2005. NS

The crucial common claim—whether couched in terms of ideology and fetishism, or androcentrism, or white normativity—is that all theorizing, both moral and nonmoral, takes place in an intellectual realm dominated by concepts, assumptions, norms, values, and framing perspectives that reflect the experience and group interests of the privileged group (whether the bourgeoisie, or men, or whites). So a simple empiricism will not work as a cognitive strategy; one has to be self-conscious about the concepts that “spontaneously” occur to one, since many of these concepts will not arise naturally but as the result of social structures and hegemonic ideational patterns. In particular, it will often be the case that dominant concepts will obscure certain crucial realities, blocking them from sight, or naturalizing them, while on the other hand, concepts necessary for accurately mapping these realities will be absent. Whether in terms of concepts of the self, or of humans in general, or in the cartography of the social, it will be necessary to scrutinize the dominant conceptual tools and the way the boundaries are drawn. This is, of course, the burden of standpoint theory—that certain realities tend to be more visible from the perspective of the subordinated than the privileged (Harding 2003). The thesis can be put in a strong and implausible form, but weaker versions do have considerable plausibility, as illustrated by the simple fact that for the most part the crucial conceptual innovation necessary to map nonideal realities has not come from the dominant group. In its ignoring of oppression, ideal theory also ignores the consequences of oppression. If societies are not oppressive, or if in modeling them we can abstract away from oppression and assume moral cognizers of roughly equal skill, then the paradigmatic moral agent can be featureless. No theory is required about the particular group-based obstacles that may block the vision of a particular group. By contrast, nonideal theory recognizes that people will typically be cognitively affected by their social location, so that on both the macro and the more local level, the descriptive concepts arrived at may be misleading. Think of the original challenge Marxist models of capitalism posed to liberalism’s social ontology: the claim that to focus on relations of aparently equal exchange, free and fair, among equal individuals was illusory, since at the level of the relations of production, the real ontology of worker and capitalist manifested a deep structure of constraint that limited proletarian freedom. Think of the innovation of using patriarchy to force people to recognize, and condemn as political and oppressive, rather than natural, apolitical, and unproblematic, male domination of women. Think of the recent resurrection of the concept of white supremacy to map the reality of a white domination that has continued in more subtle forms past the ending of de jure segregation. These are all global, high-level concepts, undeniable abstractions. But they map accurately (at least arguably) crucial realities that differentiate the statuses of the human beings within the systems they describe; so while they abstract, they do not idealize. Or consider conceptual innovation at the more local level: the challenge to the traditional way the public/private distinction was drawn, the concept of sexual harassment. In the first case, a seemingly neutral and innocuous conceptual divide turned out, once it was viewed from the perspective of gender subordination, as contributing to the reproduction of the gender system by its relegation of “women’s issues” to a seemingly apolitical and naturalized space. In the case of sexual harassment, a familiar reality—a staple of cartoons in men’s magazines for years (bosses chasing secretaries around the desk and so on)—was reconceptualized as negative (not something funny, but something morally wrong) and a contributor to making the workplace hostile for women. These realizations, these recognitions, did not spontaneously crystallize out of nowhere; they required conceptual labor, a different map of social reality, a valorization of the distinctive experience of women. As a result of having these concepts as visual aids, we can now see better: our perceptions are no longer [ignorant] blinded to realities to which we were previously obtuse. In some sense, an ideal observer should have been able to see them—yet they did not, as shown by the nonappearance of these realities in male-dominated philosophical literature.

### Part Two is Inherency

Loopholes in federal law allow dating partners committing intimate partner violence to retain their guns, causing massive violence against women and queer survivors. **EGS 14**

Everytown for Gun Safety [American nonprofit organization, support efforts to educate policy makers, as well the press and the public, about the consequences of gun violence and promote efforts to keep guns out of the hands of criminals] “Domestic Violence and Guns: Myths and Facts about S.1290.” June 2014. CC

About S.1290: Current law prohibits certain people who have been convicted of misdemeanor crimes of domestic violence (“MCDVs”) or who are subject to domestic violence restraining orders from possessing guns. But it is still legal for violent dating partners and stalkers to possess guns— even though more women in the U.S. are killed by dating partners than by husbands. S.1290 will close the loopholes that continue to allow stalkers and violent dating partners to lawfully possess guns.  Why federal law should aim to keep guns out of the hands of domestic abusers: Domestic violence continues to be a terrible reality in this country, and each year, more than a million American women are assaulted by an intimate partner. 1  Women in the United States are eleven times more likely to be killed with a gun than are women in other high-income countries.2  The presence of a gun in an [intimate partner] domestic violence situation increases the risk that a woman will die by 500 percent. 3  According to a 2010 study in the Journal of Injury Prevention, states that restrict access to guns for restraining order subjects see a 25 percent reduction in intimate partner gun homicides.4  Background checks work to keep guns out of the hands of domestic abusers: Since 1998, the background check system has blocked at least 300,000 sales to people prohibited from buying guns due to MCDVs or domestic violence restraining orders.  About the Misdemeanor Crime of Domestic Violence prohibitor: This prohibitor was added to federal law in 1997.  Dating partners who are “similarly situated to a spouse” and are convicted of an MCDV are already prohibited from possessing guns. Nothing in S.1290 alters this language.  Myth: Opponents claim that the U.S. Supreme Court “read out the ‘violence’ component” of MCDVS in a recent decision.  Fact: The Supreme Court recognized that Congress wrote the MCDV prohibitor broadly to include domestic abusers convicted of any violent offense—regardless of the degree of violence.  State Laws: Most states recognize the danger of abusive dating partners: 42 states and the District of Columbia allow dating partners to seek domestic violence protective orders against their abusers.  What S.1290 would do:  Myth: Opponents claim that by extending the MCDV prohibitor to include abusive dating partners, S.1290 would include relationships described with “expansive and vaguely defined…terms.”  Fact: The dating relationships covered by S.1290 are not vaguely defined. In fact, the language in S.1290 defining dating relationship exactly mirrors the language of the Violence Against Women Act. S.1290 will put the federal gun laws in line with the rest of federal law combatting violence against women.  Fact: In 2013, more than two-thirds of Congress voted to reauthorize VAWA, affirming the inclusion of the same relationships covered in S.1290 Myth: Opponents claim that by extending the federal gun prohibitors to abusive dating partners, S.1290 would effectively extend the reach of the law beyond domestic abuse (“read[ing] out” the word “domestic” from “domestic violence”).  Fact: S.1290 includes a definition of ‘dating relationship’ that cabins the bill to incidents of real domestic abuse while confronting today’s reality of domestic violence.  Fact: The proportion of intimate partner homicides committed partners has risen steadily, and more women are now killed by dating partners than by husbands.5  S.1290 would close this loophole by prohibiting offenders convicted of abusing their intimate partners, regardless of whether they are married to their victims.  Myth: Opponents suggest that extending the federal gun prohibitors to abusive dating partners would be unreasonable because male partners would be covered.  Fact: Intimate partner violence is also a problem in same-sex relationships, and keeping guns out of the hands of violent same-sex dating partners is no less important than for heterosexual dating partners.  Fact: In 2011, one-third of same-sex intimate partner homicides were committed with guns.

**Thus, the plan:** The United States federal government ought to ban the private ownership of handguns for individuals convicted of misdemeanor-level stalking crimes and intimate partner violence offenders in non-cohabitating dating relationships. Enforcement is through mandatory confiscation. **McDonough 15**

Katie McDonough [Staff writer at Fusion, an ABC-Univision Joint-Venture], "How a Law With Two Missing Words is Letting Domestic Abusers Buy Guns," Fusion, September 21, 2015. CC

This glaring gap in policy was raised last week by Democratic presidential candidate Martin O’Malley, who rolled out a gun policy platform that included closing the “boyfriend loophole” as well as other things like universal background checks and restrictions on concealed carry. From the O’Malley fact sheet: O’Malley supports the proposed federal legislation that would close this loophole, providing critical protections for women who are targets of dating violence. O’Malley also supports provisions that prohibit anyone convicted of stalking from owning a gun. The legislation O’Malley is talking about has bipartisan support in Congress, but, like so many other gun reform measures, the bills haven’t advanced an inch since being introduced. The House version of the bill—the Zero Tolerance for Domestic Abusers Act—was introduced in July by Michigan Democrat Debbie Dingell and Illinois Republican Robert Dold. It still hasn’t received a hearing or a vote. In a statement to Fusion, Dingell emphasized the bipartisan nature of the bill: “We disagree on a lot of things in Washington, but we all agree that no woman and no child should ever live in fear because of domestic violence. The bipartisan Zero Tolerance for Domestic Abusers Act makes commonsense updates to our laws to protect victims of domestic abuse and stalking from gun violence and, ultimately, save lives.” In the Senate, Democrats introduced the Protecting Domestic Violence and Stalking Victims Act of 2013, but the bill never left committee. (The bill has been reintroduced as the Protecting Domestic Violence and Stalking Victims Act of 2015.) Both versions of the legislation would do the same thing: expand the Brady Handgun Violence Prevention Act to protect people in dating relationships by adding the words “dating partners” to the existing provision on domestic violence. This small change—just adding two words—would ban convicted abusers in dating relationships from owning guns, same as their married counterparts. The fix is that simple, which is part of why it’s so absurd that it hasn’t happened yet.

### Part Three is Solvency

Access to handguns uniquely increases the risk of violence and homicide; plan is key to reduce it. **Maloney 15**

Allison Maloney [Writer for the Shriver Report, worked for Newsweek, B.S. from Scripps College, minored in history and African-American studies]. “The “boyfriend loophole” in U.S. gun laws is costing women’s lives.” Women in the World in Association with the New York Times. September 18, 2015. CC

An American woman’s chances of experiencing physical violence of some form at the hands of her male partner are more than one in three, and when a gun is present in a domestic violence situation, the risk of homicide increases by 500 percent. More than all other weapons combined, guns have been the tool of choice for the majority of the nation’s intimate partner homicides in the past 25 years. In the United States, women are 11 times more likely to be murdered with a gun than women in other high income countries. Advocates for women have long argued that guns easily turn domestic violence into domestic homicide. The tie between domestic violence rates and the number of women killed by guns may not come as a surprise, but the data is still disturbing. An annual report from the Violence Policy Center (VPC) released this week shows that of the 1,615 women murdered by men in 2013 in single victim/offender incidents, the most commonly used weapon was a gun – handguns being the most popular tool of choice. Also according to the report, When Men Murder Women, 94 percent of those women were killed by someone they knew. Of the women who knew their offenders, 62 percent were the wife or intimate acquaintance of the killer. Despite rhetoric from the National Rifle Association and other pro-gun groups, men who kill are generally not strangers to their female victims, and the fatal attacks are not happening in dark alleyways. Most women were killed in their homes and the “overwhelming” majority of these cases – 85 percent – were not related to another felony crime like rape or robbery. “Women are dying every day as a result of domestic violence, and our state and federal laws are insufficient in the face of this crisis,” VPC legislative director Kristen Rand said a statement. Julia Wyman, executive director of States United to Prevent Gun Violence, agrees. “Closing gaps in state and federal gun laws will save women’s lives,” she said.

Handgun bans empirically reduce IPV and don’t cause a substitution effect. **Mascia 15**

Jennifer Mascia [Editorial assistant in the editorial department of the New York Times, contributor to The Gun Report, gun violence project], "Domestic Violence Offenders Abusers Frequently Get to Keep Their Guns. Here Are the Big Reasons Why.," Trace, October 26, 2015. CC

A handful of states and cities have moved to close this gap in federal law with their own relinquishment requirements. Ten states mandate domestic violence misdemeanants hand over their guns, while 15 states require subjects of domestic violence restraining orders to do so. (Similar federal legislation was introduced in 2014 but did not pass.) Research shows that gun surrender laws have been successful: One 2009 study study found that cities in states with relinquishment laws had 25 percent fewer domestic gun homicides compared to cities in states without them. In the 2013 book Reducing Gun Violence in America, Shannon Frattaroli and April M. Zeoli found that “would-be killers do not replace guns with other weapons,” and concluded that restricting firearms access for domestic abusers can save lives. “We know that most domestic violence homicides happen with firearms, and their presence increases risk of homicide,” Krista Niemczyk, policy manager at the California Partnership to End Domestic Violence, tells The Trace. “The impact firearms have on the level of abuse is really staggering.”

The plan is empirically effective – it reduces homicides and background checks are successful. **DS 15**

Ruth Glenn of the National Coalition Against Domestic Violence (The National Coalition Against Domestic Violence (NCADV) has worked for more than thirty-five years to address the issue of domestic violence and violence against women. NCADV works developing and influencing policy at the national level; assisting shelters and programs (nationwide) with programming and projects, and offering supportive programs to victims of domestic violence), Overcoming The Domestic Violence Gun Law Gotcha, Domesticshelters.org, 2015. NS

It’s one of those laws that would save lives if enforced regularly but, for myriad reasons, often flies under the radar of local law enforcement. Under the 1996 Lautenberg Amendment or Domestic Violence Gun Ban, which amends the Federal Gun Act of 1968, persons convicted of a felony or domestic violence misdemeanor, or who are subject to a domestic violence protective order, are prohibited from possessing guns. That said, each state maintains their own individual laws—some more lenient, others stricter, but all must abide by the basic federal law. Unfortunately, most states do not have a mandatory state process in effect requiring offenders to surrender their guns. As of last year, 41 states did not have such laws in place. One of those states is Texas, namely Dallas County. The Dallas Morning News found that offenders weren’t properly informed on how to obey the law and no follow-up appointments were happening. In one devastating situation, a 27-year-old man who had a family violence protective order against him killed a 28-year-old woman who was eight months pregnant with their child, using a gun he wasn’t legally permitted to have. Neither mother nor baby survived. But as of early May, Dallas County is getting on track with the implementation of a new program which requires individuals convicted of a domestic violence crime or under a restraining order because of domestic violence, to turn over their firearms at a local gun range or give them to an approved third party. While laws alone will not entirely solve the problem of abusers using guns against their victims, the laws have been proven to make a difference. For instance, in states where background checks are required for handgun sales, 38 percent fewer women have been shot to death by an intimate partner, according to the Federal Bureau of Investigation. One wonders if the change in Dallas County was prompted by a spike in domestic violence deaths in 2013 that brought that region to the top of the list for highest number of women killed by intimate partners. Twenty women died that year at the hands of their partners. South Carolina, also one to not largely enforce the Domestic Violence Gun Ban, has recently been trying to turn things around. The legislature just passed a bill that enforces tougher penalties for domestic violence crimes and bans gun ownership for 10 years. This is welcome news for a state that’s been ranked No. 2 in the country for women murdered by intimate partners. But it’s not all settled yet—Governor Nikki Haley has yet to sign it. You can help protect South Carolina and show your support of the bill by filling out this form. “There will always be ways for people to sidestep laws. However, that doesn’t mean we shouldn’t work to improve the laws and the process, because data shows enforcement makes a difference in saving lives,” said Ruth Glenn, executive director of National Coalition Against Domestic Violence. “In addition to the states carrying through on the federal law, the laws prohibiting possession need to expand to include those convicted of stalking and dating abuse.” The U.S. Department of Justice reports that dating partners are now responsible for the majority of intimate partner homicides, when compared to spouses. While some will debate this topic for various perspectives, the facts about the role of guns in escalating [intimate partner] domestic violence are indisputable. The presence of a gun makes it five times more likely domestic violence will become murder. Domestic violence assaults involving a gun are 12 times more likely to result in death than those using other weapons or bodily force. In 2011, nearly two-thirds of women killed with guns were at the hands of intimate partners.

Stalkers getting access to guns poses a major risk to survivors – plan is empirically effective. **Gerney and Parsons 14**

Arkadi Gerney and Chelsea Parsons. Women Under the Gun. How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them. Center for American Progress. June 2014. DD

Stalking is generally defined as a course of conduct that would place a reasonable person in fear for his or her physical safety.31 Stalking occurs both in the context of intimate partner relationships and among acquaintances or strangers. It is most prevalent in the intimate partner context: Data from the CDC’s 2010 National Intimate Partner and Sexual Violence Survey found that 66 percent of female stalking victims were stalked by a current or former intimate partner, while 24 percent were stalked by an acquaintance, and 13 percent were stalked by a stranger.32 Stalking is one of the many methods abusers use to exert power and control over victims and is often reported as part of domestic abuse complaints. Indeed, one study that reviewed 1,785 domestic violence crime reports found that one in six cases had evidence of stalking.33 Yet the current federal domestic violence prohibition does not include individuals convicted of misdemeanor stalking crimes, even when the conviction arises in an intimate partner context. Every state has made stalking a crime, although the specific definitions and elements of these laws vary widely.34 Nearly every state has a felony stalking crime, and individuals convicted of this crime for stalking intimate partners, acquaintances, or strangers—like any other convicted felon—will be prohibited under federal law from buying or possessing guns. But 42 states also have misdemeanor-level stalking crimes, which are generally punishable by less than one year in jail. Only nine of these states have enacted a law that bars all individuals convicted of this misdemeanor crime from possessing guns, and two additional states bar some convicted misdemeanant stalkers. This means that individuals convicted of misdemeanor stalking remain free to purchase guns in most parts of the country. While there may be a perception that stalking conduct that has not risen to the level of a felony conviction is not serious enough to justify taking away a person’s gun rights, there is substantial research that demonstrates a connection between stalking and future escalating violence against women. This is particularly true in the intimate partner context. One study found that 81 percent of women stalked by a current or former intimate partner were also physically abused by that person.35 Another study of female murder victims in 10 cities found that 76 percent of women murdered and 85 percent of women who survived a murder attempt by a current or former intimate partner experienced stalking in the year preceding the murder.36 These data demonstrate that while stalking may appear to be low-level, nonviolent behavior that does not warrant a strong response from the criminal justice system, this conduct is often the first step in an escalating course of conduct that too often tragically results in murder. This is also illustrated by a number of recent tragic cases from around the country of stalkers-turned-murderers. For example, in Ocean Springs, Mississippi, Amanda Salas was shot and killed by an ex-boyfriend in March 2014 following weeks of escalating stalking and after she obtained an emergency protective order.37 In another case in Louisville, Kentucky, Michelle Hahn was killed with one shot to the head at point-blank range in a Wal-Mart parking lot in 2012 by a man she had dated briefly who had a 17-year history of stalking various women.38 Preliminary research also suggests that stalking is startlingly prevalent in the United States. According to the 2010 National Intimate Partner and Sexual Violence Survey—an ongoing national survey conducted by the CDC to assess experiences of intimate partner violence, sexual violence, and stalking among adult men and women in the United States—an estimated 16.2 percent of U.S. women experience stalking in their lifetimes, which amounts to an estimated 19 million women nationwide.40 These numbers vary widely by state; an estimated 24.7 percent of women in Kentucky will experience stalking, 24.4 percent in Nevada, and 22.3 percent in New Mexico and Oklahoma.41 Women are more often the victims of stalking than men: One in six women are stalked in their lifetimes, compared to 1 in 19 men. The high numbers of reported stalking victims across the country do not always translate into criminal convictions. For example, the law-enforcement agencies that received grant funding from the Office on Violence Against Women in 2010 to engage in enforcement activities related to stalking reported making arrests in only 42 percent of the stalking cases they investigated.43 A previous study of domestic violence crime reports yielded similar results: Of the 1,785 cases reviewed, one in six had evidence of stalking, yet only one case resulted in formal stalking charges.44 Another study estimated that for every case of partner stalking identified by police, 21 cases were missed.45 There are a few reasons for this, including inadequate training of law-enforcement officers in some jurisdictions to understand and recognize stalking as a serious crime and confusing state stalking laws that make it difficult to determine whether an individual has committed a crime.46 As one police officer in Fairfax County, Virginia, explained: One area of remaining need for improving services is educating law enforcement on the elements of stalking and what this crime has the potential of being (ie, rape, homicide, physical assault). I don’t think that it’s an issue of avoidance on the [officer’s] part, simply of not enough knowledge on the subject.47 Despite these challenges in identifying and prosecuting stalkers, there are significant numbers of individuals convicted of misdemeanor-level stalking crimes each year, most of whom remain free to buy and possess firearms. The Center for American Progress obtained data from 20 states regarding the number of individuals convicted of misdemeanor stalking and found that over the past decade, at least 11,986 individuals have been convicted of this offense in these 20 states alone.48 This is a significant undercount of the total number of convicted misdemeanor stalkers in the nation, as not every state with a misdemeanor stalking crime provided data and not every state that did provide data did so for each of the previous 10 years. What these numbers show is that there are a significant number of convicted stalkers across the country who are free to buy and possess guns, despite their demonstrated history of dangerous and predatory behavior. In Georgia alone, for example, between 2003 and 2012, 3,105 individuals were convicted of misdemeanor stalking. In North Carolina, 1,134 individuals were convicted of misdemeanor stalking between 2004 and 2013. In Kentucky between 2003 and 2013, 758 individuals were convicted of this offense. In all of these states, these convicted stalkers are permitted to buy guns despite the known risk they pose of future violence. By contrast, the 1,150 individuals in New York state convicted of misdemeanor stalking between 2004 and 2013 are barred from gun possession because New York is one of the nine states that do not allow those with misdemeanor stalking convictions to possess guns.

Handguns are uniquely problematic for intimate partner violence – long guns aren’t concealable and give survivors more time to escape. **Dixon 93**

Nicholas Dixon [Chair and Dykstra Philosopher at Alma College, Ph.D. and M.A. in Philosophy from Michigan State University]. Why We Should Ban Handguns in the United Staets. 12 St. Louis U. Pub. L. Rev. 243 1993. DD

Bracketed for insensitive language

One has to doubt the reliability of the statements of prisoners as to what firearms they would carry in certain circumstances. Macho bragging and outright lying are very likely in such situations, and relegate Kleck's projections to the status of unsupported conjecture. In view of the fact that such a small percentage of the actual mur- ders in the United States in 1990 were committed with long guns,' the burden on Kleck to prove his hypothetical speculation is even heavier. As for Kates and Benenson, their projections are based on the unsupported assertion that the 70% of handgun killers who do not turn to long guns would instead use knives, the most lethal weapon other than firearms. It is more probable that at least some potential murderers would turn to less lethal weapons or their bare hands, and that some would be deterred from assaults altogether. Since Kates and Benenson ignore these probable scenarios, and since their substitution predictions are in any case purely speculative, it is safe to conclude that their estimate of the increase in the homicide rate in the event of a handgun-only ban is inflated. The conjectures offered in support of the substitution hypothesis are inadequate and fail to meet the burden of proof encumbent on opponents of my proposal.¶ Another reason to doubt that long guns would be used in great numbers to replace handguns in robberies, assaults, and homi- cides is that long guns are obviously much more difficult to conceal. A potential mugger roaming the streets wielding a long gun will cause everyone in sight to flee, and is likely to be quickly arrested¶ when alarmed people call the police. Similarly, a bank robber car-¶ rying a long gun will be immediately detected by security guards,¶ alarm systems will be triggered, and the chances of a successful¶ robbery greatly diminished. Handguns are obviously much more convenient for the commission of such crimes. Kates and Benenson point out that most homicides occur in the home, where concealability is “irrelevant.” 95 However, concealability would seem to be an important factor even in the home. Since the victim may well be unaware that the killer is carrying a concealed weapon, the “surprise factor” which is peculiar to handguns can still apply even in the home. In contrast, people can hardly be unaware that the person they are with is carrying a shotgun or rifle. Moreover, in any argument or domestic quarrel, regardless of whether the potential victim knows that the assaulter is carrying a handgun, the ease of pulling out the gun and shooting makes such arguments more likely to spill over into murder. In contrast, by the time the assaulter has gone into another room to retrieve their long gun and loaded it, the [survivor] potential victim has crucial seconds in which to escape.

**And,** IPV prevents any sort of larger social movement – control over a person’s identity fractures the potential for collective resistance. **O’Doherty 15**

O’Doherty, Lorna Jane [Ph.D. in Applied Psychology, Coventry University], et al. "Fractured Identity in the Context of Intimate Partner Violence Barriers to and Opportunities for Seeking Help in Health Settings." Violence against women (2015).

IPV produces fear and self-doubt; it threatens a person’s life goals, safety, and even¶ survival; and it is associated with lost agency and ability to control the world (Liang¶ et al., 2005; World Bank, 2012). Evaluative dimensions of self-concept, that is, notions¶ of self-worth and self-esteem (Fleming & Courtney, 1984) underlie self-efficacy and¶ have been shown to relate to abused women’s capacity to escape violence (Cluss et al.,¶ 2006). Although studies have reported on ways in which IPV “spoils” women’s identities¶ and is damaging to self-concept (Hague, Mullender, & Aris, 2003; Moss, Pitula, Campbell, & Halstead, 1996), the effects of IPV on the different dimensions of identity¶ outlined above have not been explored in any systematic way. Furthermore, it¶ appears from the literature that social identity theory (Tajfel, 1981) has not been¶ applied in exploring the impacts of IPV on women’s lives.¶ Applying Brewer’s (2001) framework to the IPV literature suggests ways in which¶ social identities are invoked where IPV is present. Undermining aspects of the personbased¶ social identity is a hallmark of emotional abuse whereby deeply integrated and¶ personal aspects of the victim’s concept of self are targeted (Stark, 2007; Williamson,¶ 2010). Individuals also self-define (and evaluate themselves) in the context of their¶ relationships with significant others and based on their performance of role relationships¶ (Breckler & Greenwald, 1986). Thus, it is unsurprising, given the evaluative¶ context of the intimate relationship, that abused women often report a sense of failure¶ (Waldrop & Resick, 2004). Unreasonable expectations set by the perpetrator make it¶ virtually impossible to “succeed” in the partner role (Williamson, 2010). The violence¶ may also target directly other relational social identities. Herman describes how the¶ most destructive tactics violate women’s basic human attachments (Herman, 1992). At¶ the group level of self-representation, evaluation of the collective self-concept involves¶ intergroup comparison. Here, one strives to associate with groups that are valued and¶ confer benefits for self-esteem (Smith & Tyler, 1997). In the context of an abusive¶ relationship, social participation may be restricted, leading to lost opportunities to derive the benefits of group connections (Liang et al., 2005). Regarding the collective¶ identity, IPV may lead to lost identification with a collective (e.g., religion through¶ spiritual abuse) or identification with an emergent collective of “abused women”¶ (Crawford et al., 2009). Thus, balancing the risks and benefits of disclosing and getting¶ help is an ongoing process for women, with implications for social identities even¶ after they have escaped the violence. Analysis at these different levels of identity may¶ offer further understanding of the barriers facing women in finding pathways to safety.

The specific lived experiences of survivors are more important than vague, large-scale social claims. **Denzin 84**

Denzin, Norman K [Distinguished Professor of Communications, College of Communications Scholar, and Research Professor of Communications, Sociology, and Humanities at the University of Illinois, Urbana-Champaign.] "Toward a phenomenology of domestic, family violence." American journal of sociology (1984): 483-513.

Within this setting all the dynamics of living together in a small, heterosexual¶ group are played out, producing a simultaneous confusion in¶ the realms of patriarchy, intimacy, service, and interaction. This domestic¶ order is the arena for the clash of social selves and the display of raw¶ emotionality that erupts into violence. The violence that is woven¶ through the structures of this family is an enduring form of relational¶ interaction that is fixed in the social settings of the home. Violent episodes¶ flow into one another, constituting a field of violence that sets itself in¶ front of the family members as a coefficient of adversity, or obstacle to¶ action, often self-imposed, and self-defined (Sartre [1943] 1956, pp. 488-¶ 89), although it derives its origins from external structures. These structures¶ of violent experience are cyclical and assume an autonomous existence¶ in the life of the family. They are seen as causing the violence that is¶ experienced. As the family moves through the phases of tension toward¶ violence and violent outbursts and then into calm, intimate interaction,¶ personal responsibility for the violence is neutralized in the face of these experiential structures (Walker 1979, p. 55). Bad faith (Sartre [1943]¶ 1956, pp. 55-66), which accompanies the act of denial when violence first¶ appears or when it erupts again, secures violence as a potentially permanent¶ feature of daily family life.¶ I will examine this thesis from the standpoint of a critical, interpretive¶ phenomenology which stresses the place of emotionality, the self, and¶ interaction processes in the generation of interpersonal, domestic violence.¶ Briefly stated, my critical phenomenology assumes that the phenomenon¶ of violence must be examined from within; that although structural processes (economic, legal, religious, cultural, ideological) influence and shape family violence, their meanings are filtered and woven through the lives of interacting individuals, each of whom is understood to be a¶ universal singular, embodying in his or her lifetime the forces, contradictions,¶ and ideologies of a particular historical moment (Sartre [1971] 1981,¶ p. ix; Merleau-Ponty 1955; Engels [1884] 1962; Denzin 1984a; Marx¶ [1852] 1983, p. 287). The violence that each family of violence makes and¶ experiences has been made and experienced before. It is not purely spontaneous,¶ made under conditions freely chosen. Rather, it is produced and¶ experienced in situations which have been "given and handed down to¶ them . . . from . . . countless dead generations," also the victims of a¶ violent past that was inherited (Marx [1852] 1983, p. 287). The raw,¶ skeletal, obdurate features of social structures and lived history thus set¶ the stage for domestic violence, which must then be studied through¶ thick, phenomenological descriptions of lived violence (Geertz 1973; Denzin¶ 1984a; Loseke 1983; Loseke and Cahill 1984).

IPV is perpetuated by a lack of education – educational spaces must condemn IPV to start prevention – this has tangible impacts. **Wolfe and Jaffe 99**

Wolfe, David A. [Research Professor and Scholar, Western University], and Peter G. Jaffe [Peter Jaffe is the Founding Director (1975-2001) and Special Advisor on Violence Prevention of the Centre for Children and Families in the Justice System of the London Family Court Clinic; member of the Clinical Adjunct Faculty for the Departments of Psychology and Psychiatry at the University of Western Ontario; former chair of the Board of Directors of the Battered Women's Advocacy Centre; and past Chairperson and a founding board member of the Board of Directors for the Centre for Research on Violence Against Women and Children. He gives presentations on violence and facilitates over 50 workshops a year for teachers, students, lawyers, judges, police, doctors, clergy and various community groups. Dr. Jaffe is the recipient of many awards and grants, author of numerous research articles, and co-author of four books dealing with children exposed to domestic violence]. "Emerging strategies in the prevention of domestic violence." The future of children (1999): 133-144. CC

This perspective suggests that domestic violence **[IPV] is learned behavior that is modeled, rewarded, and supported by** families and/or the broader **culture**. Analyses based on this theory focus on the ways children learn that aggression is appropriate to resolve conflicts, especially within the context of intimate relationships.11 Researchers have found that batterers are much more likely to have had violent fathers than are nonbatterers.12 Developmental research shows that early intervention with children from violent households may restore normal developmental processes, such as empathy and selfcontrol, and minimize the risk of further harm caused by exposure to abusive adult models.13 Societal Structure Theory According to this view, domestic violence **[IPV] is caused by an underlying power imbalance that can be understood only by examining society as a whole. The analysis focuses on patriarchy** or male domination **over women and children through** physical, economic, and **political control.** Domestic violence **[IPV] reflects** women’s **inequality** in the culture **and** the **reinforcement** of this reality **by various institutions.**14 Commonalities Across Causation Theories Despite the diversity of views regarding the underlying causes of domestic violence, there are some beliefs common to all these theories. They include: (1) that domestic violence **[IPV] has been ignored as a major social problem** until recently and remains poorly understood;15 (2) that domestic violence is a complex problem impacted by multiple variables;16 (3) that childhood trauma, either through exposure to violence or some other trauma, influences the likelihood of domestic violence;17 and (4) that **as long as** domestic violence is condoned as **[its] accepted behavior by** public attitudes and **institutions, there is little chance of preventing it** involves attempts to minimize the course of a problem once it is already clearly evident and causing harm**. Primary prevention strategies can introduce to particular population groups new values, thinking processes, and relationship skills** that are incompatible with violence and that promote healthy, nonviolent relationships. For example, resources can be used to focus on respect, trust, and supportive growth in relationships.19 **These efforts can be** targeted at populations that may be at risk for violence in their intimate relationships but who have not yet shown symptoms of concern, or they can be directed universally at broad population groups, such as school-age children or members of a particular community. In contrast to a population-based focus, secondary prevention efforts in domestic violence address identified individuals who have exhibited particular behaviors associated with domestic violence. An example of secondary prevention is a clear protocol for the way teachers can assist students who have discussed witnessing domestic violence in their homes but who do not show serious signs of harm.20 Tertiary prevention efforts are the most common and emphasize the identification of domestic violence and its perpetrators and victims, control of the behavior and its harms, punishment and/or treatment for the perpetrators, and support for the victims. Intensive collaboration and coordinated services across agencies may be vital in tertiary prevention efforts to address chronic domestic violence and to help prevent future generations of batterers and victims. However, tertiary efforts can be very expensive and often show only limited success in stopping domestic violence, addressing long-term harms, and preventing future acts of violence.21 Table 1 uses the primary, secondary, and tertiary prevention paradigm to categorize a broad range of domestic violence prevention strategies. Several of the strategies mentioned in the table are described in greater detail in the following section, which discusses innovative primary and secondary prevention strategies currently being tried in the United States and Canada. (For information regarding tertiary prevention efforts for children exposed to domestic violence, see the articles by Lemon, by Findlater and Kelly, by Saathoff and Stoffel, by Culross, and by Groves in this journal issue.) Innovative Primary and Secondary Prevention Efforts Existing primary prevention efforts are often directed toward particular population groups, and secondary efforts toward identified individuals within those groups. Programs for children typically target specific age groups and utilize, in their design, what is known about child development at that particular age. As a result, programs for very young children are markedly different from programs for adolescents, for example. Unfortunately, there is no information currently available regarding the total number of primary and secondary prevention programs that address domestic violence. The programs described below are highlighted because they illustrate the points being discussed, not because they necessarily represent the most successful programs. Comprehensive, evaluative information with regard to domestic violence prevention programs is also very limited but is presented when available. Infants and Preschool-Age Children (0 to 5 Years) Primary and secondary prevention strategies for infants and preschool children focus on ensuring that children receive a healthy start, including freedom from emotional, physical, and sexual abuse, and from the trauma of witnessing domestic violence. Development of such strategies begins by defining the principles of a healthy childrearing environment. Though there are differing opinions about the details of such a healthy environment,22 all experts agree that in order for very young children to thrive and grow to be nonviolent, productive adults, they must be cared for by supportive and nurturing adults, have opportunities for socialization, and have the freedom within protective boundaries to explore their world.23 Prevention programs targeting infants and preschool children have developed from the public health and nursing fields. They involve efforts to provide support for new parents through home visiting programs.24 (For more information on home visiting programs, see the spring/summer 1999 issue of The Future of Children.) Home visiting support and assistance can be delivered on a universal basis whereby all new parents receive basic in-home services for a specified time period. However, no pro grams with a universal approach currently exist in North America.25 Alternatively, home visiting services can be delivered to selected groups, such as families or neighborhoods, that are at greater risk for domestic violence. There are home visiting programs that currently target families identified as being at risk for child abuse,26 and include efforts to improve parenting skills27 and to prevent social isolation.28 Hawaii’s Healthy Start Program is a wellknown example of a prevention effort, with home visits provided to infants born to high-risk families to help prevent the incidence of child abuse and to promote other aspects of healthy child development. (See Box 1.) To date, home visitation programs have not focused on domestic violence prevention. Yet, such programs hold promise in this area because of their emphasis on creating a healthy environment for children and because many of the families served who are at risk for child abuse are also at risk for domestic violence. Moreover, families at risk for domestic violence may be more receptive to home visitation, with its focus on healthy relationships and family strengths, than to more directive or punitive approaches through child welfare services or law enforcement.20 However, there are potential problems with the use of home visiting programs to address domestic violence. These include concern for the safety of the home visitor and the victim, and the possibility that any trust between the home visitor and the family will be breached if domestic violence is discussed.29 School-Age Children (6 to 12 Years) Schools are ideal places in which to introduce primary prevention programs to wide ranges of children, because most children attend school. In addition, much of children’s social learning takes place in schools, and research has shown that social learning can play a role in the development of behaviors and attitudes that support domestic violence. Teachers, who typically represent the second most important influence in the lives of children, are in an ideal position to motivate students to consider new ways of thinking and behaving.30 In a 1998 comprehensive review of model programs for battered mothers and their children, several community agencies reported the development of primary prevention efforts in collaboration with schools.31 One of the key values inherent in all of these primary prevention programs is the belief that every student needs to be aware of domestic violence and related forms of abuse. Even if students never become victims or perpetrators of domestic violence, they may have opportunities in the future, as community members, to help others in preventing or stopping it.32 Because these programs consider domestic violence a community and societal problem, many of them also involve parents and other members of the broader community. One of the first programs to document efforts to prevent domestic violence by working with children in the schools was implemented by the Minnesota Coalition for Battered Women.33 (See Box 2.) The ideas and successes of this early program have spawned similar efforts across North America.34 Preliminary evaluations of these newer programs are promising and indicate that key elements of successful school-based programs include: identifying relationship violence as a form of societal violence; acknowledging that domestic violence is an abuse of power and control; creating a high enough level of trust so that children can disclose exposure to domestic violence and teachers can make appropriate referrals; teaching safety skills about what to do when domestic violence occurs; and encouraging the development of social skills such as anger management and conflict resolution as alternatives to violence.35 Adolescents (13 to 18 Years) Adolescence is a time of important cognitive and social development. Teens learn to think more rationally and become capable of thinking hypothetically. They also develop a greater understanding of the possible risks and consequences of their behaviors and learn to balance their own interests with those of their peers and family members. Conformity to parental opinions gradually decreases throughout adolescence, while peers become **increasingly** influential until late adolescence.36 Romantic relationships become more important by mid-adolescence.37 Thus, early- and mid-adolescence offer unique windows of opportunity for primary prevention **efforts that make teens aware of the ways in which violence in relationships can occur**, and that teach healthy ways to form intimate relationships.38 When offered opportunities to explore the richness and rewards of relationships, youths become eager to learn about choices and responsibilities. Clear messages about personal responsibility and boundaries, delivered in a blame-free manner, are generally acceptable to this age group, whereas lectures and warnings are less helpful.39 Primary prevention programs delivered universally through high schools often involve activities aimed at increasing awareness and dispelling myths about relationship violence. Such activities might include school auditorium presentations involving videotapes, plays, professional theater groups, or speeches from domestic violence or teen dating violence survivors; classroom discussions facilitated by teachers or domestic violence services professionals; programs and curricula that encourage students to examine attitudes and behaviors that promote or tolerate violence; and peer support groups. Some school-based programs have resulted in youth-initiated prevention activities such as theatrical presentations to younger children, and marches and other social protests against domestic violence.40 **Preliminary data** from evaluations of six school-based dating violence prevention programs **report increases in knowledge about dating violence issues, positive changes in attitudes about dating violence, and self-reported decreases in the perpetration of dating violence**. Though preliminary, these data indicate that **adolescents are receptive to** school-based prevention programs.41 In addition to school-based programs for adolescents, there are also **community based programs with primary prevention goals** similar to those of the school-based programs. Many of the community based programs also provide secondary prevention services to teens who have displayed early signs of violence. (See Box 3.)

### Part Four is Framing

Sexual violence is genocidal and happens on a continuum – focus on systemic impacts is key since patriarchal war games make violence inevitable. **Sheperd 09**

Impx - genocidal violence happens to women on a continuum not isolated events = war

RC - war/peace distinction ignores massive violence and reproduces inevitability of war thru patriarchal framing

[Laura J. Dept of Political Science and International Studies, U of Birmingham (UK), “Gender, Violence and Global Politics: Contemporary Debates in Feminist Security Studies,” Political Studies Review, V7 I2, Apr]

According to conventional accounts of international relations (IR), scholars focus on war (predominantly as a means to providing the sovereign state with security) and the existence of war's corollary is a foundational assumption that goes largely unquestioned. Peace must exist, for international relations are not characterised by perpetual conflict. However, peace is implicitly defined, in dichotomous terms, by the absence of violent conflict, as 'not-war'. Of more analytical interest is conflict, which is always a possibility and which, moreover, occurs between states. International relations as a discipline, narrowly conceived, is largely unconcerned with activities that occur within the state. Minimally, feminist and other critical approaches to IR seek to correct such disciplinary myopia. While classical realism theorises the political actor –Hans Morgenthau's 'political man' (1973, pp. 15–6) – in order to construct the state as actor, the now dominant neo-realism abstracts the human subject from its disciplinary musings, leading to the infamous 'black box' model of the state. Early feminist scholarship challenged this assumption as well, arguing that individuals, as human subjects in all their messy complexity, are an integral part of international relations (see Shepherd, 2007, pp. 240–1). Attention to the human subject in I/international R/relations – or, as Christine Sylvester phrases it, 'relations international', to emphasise the embedded nature of all kinds of relations in the international sphere, including power relations and gender relations (Sylvester, 1994, p. 6; see also Enloe, 1996) – allows critical scholars to look beyond the disciplinary obsession with war. Further, it allows us to investigate one of the simplest insights of feminist IR, which is also one of the most devastating: the war/peace dichotomy is gendered, misleading and potentially pathological. In this essay, I address each of these concerns in turn, developing a critique of the war/peace dichotomy that is foundational to conventional approaches to IR through a review of three recent publications in the field of feminist security studies. These texts are Cynthia Enloe's (2007) Globalization and Militarism, David Roberts' (2008) Human Insecurity, and Mothers, Monsters, Whores: Women's Violence in Global Politics by Laura Sjoberg and Caron Gentry (2008). Drawing on the insights of these books, I ask first how violence is understood in global politics, with specific reference to the gendered disciplinary blindnesses that frequently characterise mainstream approaches. Second, I demonstrate how a focus on war and peace can neglect to take into account the politics of everyday violence: the violences of the in-between times that international politics recognises neither as 'war' nor 'peace' and the violences inherent to times of peace that are overlooked in the study of war. Finally, I argue that feminist security studies offers an important corrective to the foundational assumptions of IR, which themselves can perpetuate the very instances of violence that they seek to redress. If we accept the core insights of feminist security studies – the centrality of the human subject, the importance of particular configurations of masculinity and femininity, and the gendered conceptual framework that underpins the discipline of IR – we are encouraged to envisage a rather different politics of the global. From Boudica to Bhopal As Sjoberg and Gentry recount (2008, pp. 38–9), Boudica was an Iceni queen who led an uprising against the Roman forces occupying the British Isles circa 61 AD. Prior to launching the attack, Boudica's refusal to allow a Roman general to claim ownership of her land resulted in the rape of her two daughters as punishment. However, 'many inherited tales about Boudica do not emphasise her personal or political motivations, but the savage and unwomanly brutality of her actions' (Sjoberg and Gentry, 2008, p. 39). Almost two thousand years later and half a planet away, a toxic gas leak in 1984 at a Union Carbide plant in Bhopal, India caused the immediate deaths of approximately 3,000 people and left tens of thousands suffering the after-effects for decades (Roberts, 2008, p. 10). At first reading, little links these two accounts of quite different forms of violence. The first is an instance of violent resistance against imperial oppression, and Boudica has been vilified, her efforts delegitimised, in much the same way as many actors in 'small wars' tend to be in global politics today (see Barkawi, 2004). The second is perhaps more usefully seen as the result of structural violence, following Johan Galtung's explanation of the same, as 'violence where there is no such actor' (cited in Roberts, 2008, p. 18). However, by asking questions about Boudica and Bhopal that are born of a 'feminist curiosity' (Enloe, 2007, p. 1, p. 11), these texts demonstrate connections beyond the simplistic equation that is applicable to both: actor/structure plus violence equals death. In Human Insecurity, Roberts poses the question, 'What is violence?' (2008, p. 17). This is a question rarely asked in international relations. Violence is war: large-scale, state-dominated, much studied, war. However, the three texts under review here all offer more nuanced theories of violence that focus analytical attention on complex constructions of agency (institutional and international), structure, and the global context that is product and productive of such violence. Through an intricate and beautifully accessible analysis of modernity –'that pot of gold at the end of the global rainbow' (Enloe, 2007, p. 64) – Enloe encourages her readers to seek the connections between globalisation and militarisation, arguing that at the heart of this nexus lie important questions about violence and security. Roberts notes a broad dissatisfaction with the concept of 'human security' (2008, pp. 14–7), offering instead his investigative lens of 'human insecurity', defined as 'avoidable civilian deaths, occurring globally, caused by social, political and economic institutions and structures, built and operated by humans and which could feasibly be changed' (p. 28). Placing the human at the centre of concerns about security immediately challenges a conventional state-based approach to security, as Enloe explains. In a convincing account of the hard-fought expansion of the concept of security, mapped on to strategic and organisational gains made by various feminist organisations, Enloe reminds us that if we take seriously the lives of women – their understandings of security – as well as on-the-ground workings of masculinity and femininity, we will be able to produce more meaningful and more reliable analyses of 'security'– personal, national and global (Enloe, 2007, p. 47). This latter quote typifies an approach for which Enloe has become somewhat famous. In the early 1980s, Enloe began asking the questions for which she is rightly acknowledged as a key figure in feminist security studies, including Does Khaki Become You? (Enloe, 1983) and 'where are the women?' (Enloe, 2000; see also Enloe, 2004). Inspired by her own curiosity about the roles played by women and the functions performed by gender in the militarisation of civilian life, Enloe has explored prostitution, marriage, welfare and war making with an eye to the representation (both political and symbolic) of women. In Globalization and Militarism she offers detailed vignettes that illuminate just how interwoven violence is with the quest for (various types of) security, and demands that nothing is left unquestioned in a critical analysis of these concepts. Even baby socks (embossed with tiny fighter planes, a gift to the parent of a small boy) have something to tell us about gender, militarism and the casual representations of violence and war that society accepts (Enloe, 2007, pp. 143–4). Following a similar logic, although he initially defines human insecurity as avoidable civilian deaths, Roberts focuses on 'preventable female deaths ... and avoidable deaths in children under five' (2008, p. 31). While this conflation of 'civilian' with 'women and children' is rather problematic (see Carpenter, 2006), in asking not only, where are the women? but also, why are they dying in such disproportionate numbers? Roberts enhances his critique of 'most security studies ... [that] largely [miss] the scale of avoidable human misery and avoidable human death' (2008, p. 4). As mentioned above, Roberts uses Galtung's concept of structural violence to draw attention to the manifest ways in which an increasingly interconnected global system relies on gender and violence (and gendered violence) for its perpetuation: 'The process of globalization, to which few are ideologically or otherwise opposed, is an essential conveyor and articulator of the masculinity that underpins andrarchy' (Roberts, 2008, p. 157). Whereas Enloe offers a persuasive and accessible account of patriarchy, a concept familiar to feminist and non-feminist scholars alike (Enloe, 2007, pp. 66–8), Roberts suggests 'andrarchy' as an alternative, which he defines as 'the gender-partisan ideological domination and rule structure that determines and sustains the general relative power of males over females globally' (Roberts, 2008, p. 140). However, it is difficult to see how this reformulation either differs substantively from patriarchy as an analytical tool or assists in the construction of an alternative theory of global violence that centralises the individual, and therefore takes gender seriously, in that it seems to essentialise violent actors (males) and violated victims (females). In contrast, Enloe's explanation of patriarchy challenges such essentialism as its first point of critical intervention. That is, the assumption of essential differences between men and women is part of patriarchal ideology, feeding into stereotypical notions of how such men and women should behave, which in turn constitute recognisable discourses of gender: sets of narratives about masculinity and femininity and how these are, in general, respectively privileged and marginalised. The most theoretically coherent account of gender and violence offered in these three texts comes from Sjoberg and Gentry and employs the notion of discourse to great effect. Whereas Roberts seeks to map out a consciously structural account of global violence, where the structure in question is a hybrid of andrarchy and a 'rapacious, increasingly competitive and hyper-masculine' neoliberalism (Roberts, 2008, p. 118), Sjoberg and Gentry offer a more sophisticated analysis of structure and agency in their 'relational autonomy framework' that accounts for both individual agency and structural constraint (Sjoberg and Gentry, 2008, pp. 189–98). When people perform acts of political violence, they argue, this is a conscious choice, but crucially individuals 'choose within a specified spectrum of socially acceptable choices' (p. 190). 'In its simplest form, relational autonomy is the recognition that freedom of action is defined and limited by social relationships' (p. 194) and this has profound implications for the study of violence in global politics. Sjoberg and Gentry use this insight to demonstrate that women's violence in global politics is rendered unintelligible, through narrative representations of the perpetrators as mothers, monsters or whores (in media discourse and academic discussion), rather than as autonomous agents. From the abuses of prisoners held at Abu Ghraib prison in Iraq, via the 'black widows' of Chechnya, to female perpetrators of genocidal violence in Rwanda, the authors show how representations of women's violence conform to and further confirm the stereotypes of violent women as either mothers (supporting or vengeful), monsters or sexually deviant whores (Sjoberg and Gentry, 2008, pp. 30–49). The very different theories of violence outlined in these three texts all contribute to the development of a more comprehensive and holistic understanding of violence in global politics. By insisting that international relations are also gender relations – by demanding that we recognise that states are an analytical abstraction and politics is practised or performed by gendered bodies – all of the authors put forward theories of violence that are corrective of gender blindness, in that the violences in question are simultaneously gendered and gendering (see Shepherd, 2008, pp. 49–54). They are gendered because they have different impacts on male and female bodies (Enloe, 2007, p. 13), both materially as people experience violence differently depending on their gender (and race, class, sexuality and so on) and also discursively, as what we expect of men and women in terms of their behaviours, violent and otherwise, is limited by the meaning(s) ascribed to male and female bodies by society. Regarding the former, Roberts proposes that we term the global victimisation of women 'structural femicide' (Roberts, 2008, p. 65), but does not sufficiently engage with the question of whether defining gendered violence as violence against women (and children) functions to constitute the subject of 'woman' as a perpetual victim, in need of protection and lacking in agency (Shepherd, 2008, p. 41). In contrast, Sjoberg and Gentry neatly articulate the interplay between material and discursive violence as they write a theory that accounts 'for people's impact on global politics and for the impact of narratives others construct for and about them' (Sjoberg and Gentry, 2008, p. 216, emphasis in original). Thus, violence is gendering as our understanding of politics is in part reproduced through violent actions. Through discursive violence against individuals – for example, representing Chechen women suicide terrorists as 'black widows', which demands that they are attributed the characteristics of the venomous and deadly black widow spider and, further, that their violence is grounded in familial loss, 'born directly of a desire for vengeance for the deaths of their husbands and sons' (Sjoberg and Gentry, 2008, p. 100) rather than as the result of a process of political decision making – our understanding of that individual and of the act of violence itself is produced. Similarly, through material acts of violence, discourses of gender are given physical form; the detainees at Abu Ghraib who were forced to simulate oral sex with each other were forced to do so in part because of crude cultural understandings of homosexuality as deviant and homosexuals as lesser men – that is, as women. To force a man to perform oral sex on another man is to undermine his masculinity and simultaneously to reinforce the gendered power relations that claim privilege for masculinity over femininity, heterosexuality over homosexuality – power relations that render such an act intelligible in the first instance. Such understandings of violence are beyond the remit of conventional state-based approaches to international relations. However, 'it is by tracking the gendered assumptions about how to wield feminization to humiliate male[s]' (Enloe, 2007, p. 115) and how to represent gendered individuals in such a way as to render some acts of violence intelligible as political and others as monstrous that we can begin to piece together a useful feminist account of global violence, which is a necessary component of understanding security. Everyday Violence and In-Between Days In addition to questioning what violence is, how it is represented and with what effects, feminist security studies scholarship also asks which violences are considered worthy of study and when these violences occur. Expanding the concept of violence that underpins feminist analysis, as outlined above, allows us to take seriously what Arthur Kleinman (2000) refers to as 'the violences of everyday life'. Beyond a narrow focus on war and state-based violence lies a plethora of everyday violences that feminist security studies seeks to address. In the field of security studies the broadening and deepening of the concept of security, such that it is no longer assumed to apply only to the sovereign state, has demonstrated the multiple insecurities experienced by individuals and social collectives (Booth, 2005, pp. 14–5). The development of the concept of 'human security' largely took place within the parameters of a wider disciplinary debate over the appropriate referent object for security studies (the individual, society, the state) and the types of threat to the referent object that would be recognised. In a move similar to Ken Booth's (1991) reformulation of security as emancipation, Roberts' quest for individual empowerment seeks to overcome the 'élite-legitimized disequilibrium' that results in the manifest insecurity of the majority of the world's population (Roberts, 2008, p. 185). As might be expected, the violences Roberts identifies are innumerable. In addition to the physical violences of 'infanticide, maternal mortality, intimate ("domestic", "honour" and "dowry") killings and lethal female genital mutilation; and avoidable deaths in children under five' (Roberts, 2008, p. 31), his analysis attacks the institutional structures of the dominant international financial institutions (pp. 117–35) and the andrarchal and neoliberal discourses that sustain them (pp. 136–58). In short, Roberts' answer to the question of which violences matter in global politics is quite simple: all of them. However, while studies of human security, he argues, seek to provide the human with security, his reformulated analytic takes as its starting point human insecurity; that is, he starts with the threat(s) to the sovereign subject rather than the subject's ontological condition. Roberts suggests that this circumvents the disciplinary definitional problem with human security – identified by Roland Paris (2001), Edward Newman (2001; 2004) and others – but I cannot see how this is the case, given that the answer to the question 'what is it that humans do to make the world a more dangerous and dysfunctional place?' (Roberts, 2008, p. 28) is also quite simple: we live in it. Thus Roberts' analytic seems to suffer the same lack of definitional clarity – and therefore policy relevance – that he ascribes to more conventional approaches; it is no easier to identify, quantify and ultimately reduce the threats experienced by coexisting human subjects than it is to provide those human subjects with security, if security can first be defined as freedom from fear or want. I do not espouse some construction of human nature (if such a thing were to exist) that assumes essential selfishness and a propensity for violence, nor do I assume that security is a zero-sum game, in that one person's security must always be at the expense of another's, but I recognise that even the most well-intentioned security policy can have unforeseen and sometimes disastrous effects. Sometimes, moreover, as Sjoberg and Gentry demonstrate, the decision to perform acts of political violence that are a source of insecurity for the intended victims can be understood if not condoned. Enloe's analytical remit is similarly wide-ranging to Roberts', in that she focuses on processes – globalisation and militarism – that are inherently violent. However, although Enloe also insists that all violences should count in the study of global politics, she grounds this claim in an analysis of specific sites of violence and demonstrates with startling clarity just how everyday items – for example, sneakers – are both globalised and militarised: Threaded through virtually every sneaker you own is some relationship to masculinized militaries. Locating factories in South Korea [in the 1960s and 1970s] was a good strategic decision in the eyes of those Oregon-headquartered male Nike executives because of the close alliance between male policymakers in Washington and Seoul. It was a relationship – unequal but intimate – based on their shared anticommunism, their shared commitment to waging the Cold War, and their shared participation in an ambitious international military alliance (Enloe, 2007, p. 28). By drawing her readers' attention to the ways in which discourses of gender (ideas about how 'proper' men and women should behave) function, Enloe reminds us that adhering to ideals of masculinity and femininity is both productive of violence and is a violence in itself, a violence against the empowered human subject. 'Ideas matter', she concludes, ideas about modernity, security, violence, threat, trust. 'Each of these ideas is fraught with blatant and subtle presumptions about masculinity and femininity. Ideas about both masculinity and femininity matter. This makes a feminist curiosity a necessity' (Enloe, 2007, p. 161). While conventional studies of IR and security may be willing to concede that ideas matter (see Finnemore and Sikkink, 2001), paying close attention to the work that gender does allows for a fuller understanding of why it is that particular violences fall outside the traditional parameters of study. As to the question of when violence is worthy of study, all three texts implicitly or explicitly draw on the popular feminist phrase: 'the personal is political'. This slogan neatly encapsulates the feminist critique of a supposed foundational divide between the private and the public realms of social life. In arguing that the personal is political, feminist theory refuses to accept that there are instances of human behaviour or situations in social life that can or should be bracketed from study. At its simplest, this critique led to the recognition of 'domestic violence' as a political, rather than a personal issue (see, for example Moore, 2003; Youngs, 2003), forming the foundation for critical studies of gendered violence in times of war and in times of peace that would otherwise have been ignored. Crucially, Enloe extended the boundaries of critique to include the international, imbuing the phrase with new analytical vitality when she suggested, first, that the phrase itself is palindromic (that is, that the political is also personal, inextricably intertwined with the everyday) and, second, that the personal is international just as the international is personal. 'The international is personal' implies that governments depend upon certain kinds of allegedly private relationships in order to conduct their foreign affairs. ... To operate in the international arena, governments seek other governments' recognition of their sovereignty; but they also depend on ideas about masculinised dignity and feminised sacrifice to sustain that sense of autonomous nationhood (Enloe, 2000, pp. 196–7). These ideas about dignity and sacrifice are not neatly contained within the temporal boundaries of any given war, nor are they incidental to the practice of warfare. Further, there is of course also the question of who gets to define or declare war, or peace. While some of the violent women whose actions are analysed by Sjoberg and Gentry perform their violences in wartime (for example, Lynndie England, who received the most attention from global media of the women involved in prisoner abuse at Abu Ghraib; see Sjoberg and Gentry, 2008, pp. 67–70), others are fighting wars that are not sanctioned by the international community (such as the Chechen women [pp. 97–111] and female Palestinian suicide bombers [pp. 112–40]). As discussed above, ideas about masculinity and femininity, dignity and sacrifice may not only be violent in themselves, but are also the product/productive of physical violences. With this in mind, the feminist argument that 'peacetime' is analytically misleading is a valid one. Of interest are the 'in-between days' and the ways in which labelling periods of war or peace as such can divert attention away from the myriad violences that inform and reinforce social behaviour. [W]ar can surely never be said to start and end at a clearly defined moment. Rather, it seems part of a continuum of conflict, expressed now in armed force, now in economic sanctions or political pressure. A time of supposed peace may come later to be called 'the pre-war period'. During the fighting of a war, unseen by the foot soldiers under fire, peace processes are often already at work. A time of postwar reconstruction, later, may be re-designated as an inter bellum– a mere pause between wars (Cockburn and Zarkov, cited in El Jack, 2003, p. 9). Feminist security studies interrogates the pauses between wars, and the political processes – and practices of power – that demarcate times as such. In doing so, not only is the remit of recognisable violence (violence worthy of study) expanded, but so too are the parameters of what counts as IR. Everyday violences and acts of everyday resistance ('a fashion show, a tour, a small display of children's books' in Enloe, 2007, pp. 117–20) are the stuff of relations international and, thus, of a comprehensive understanding of security. In the following section I outline the ways in which taking these claims seriously allows us to engage critically with the representations of international relations that inform our research, with potentially profound implications. The Violent Reproduction of the International As well as conceiving of gender as a set of discourses, and violence as a means of reproducing and reinforcing the relevant discursive limits, it is possible to see security as a set of discourses, as I have argued more fully elsewhere (Shepherd, 2007; 2008; see also Shepherd and Weldes, 2007). Rather than pursuing the study of security as if it were something that can be achieved either in absolute, partial or relative terms, engaging with security as discourse enables the analysis of how these discourses function to reproduce, through various strategies, the domain of the international with which IR is self-consciously concerned. Just as violences that are gendering reproduce gendered subjects, on this view states, acting as authoritative entities, perform violences, but violences, in the name of security, also perform states. These processes occur simultaneously, and across the whole spectrum of social life: an instance of rape in war is at once gendering of the individuals involved and of the social collectivities – states, communities, regions – they feel they represent (see Bracewell, 2000); building a fence in the name of security that separates people from their land and extended families performs particular kinds of violence (at checkpoints, during patrols) and performs particular subject identities (of the state authority, of the individuals affected), all of which are gendered. All of the texts under discussion in this essay argue that it is imperative to explore and expose gendered power relations and, further, that doing so not only enables a rigorous critique of realism in IR but also reminds us as scholars of the need for such a critique. The critiques of IR offered by feminist scholars are grounded in a rejection of neo-realism/realism as a dominant intellectual framework for academics in the discipline and policy makers alike. As Enloe reminds us, 'the government-centred, militarized version of national security [derived from a realist framework] remains the dominant mode of policy thinking' (Enloe, 2007, p. 43). Situating gender as a central category of analysis encourages us to 'think outside the "state security box"' (p. 47) and to remember that 'the "individuals" of global politics do not work alone, live alone or politic alone – they do so in interdependent relationships with others' (Sjoberg and Gentry, 2008, p. 200) that are inherently gendered. One of the key analytical contributions of all three texts is the way in which they all challenge what it means to be 'doing' IR, by recognising various forms of violence, interrogating the public/private divide and demanding that attention is paid to the temporal and physical spaces in-between war and peace. Feminist security studies should not simply be seen as 'women doing security', or as 'adding women to IR/security studies'**,** important as these contributions are. Through their theorising, the authors discussed here reconfigure what 'counts' as IR, challenging orthodox notions of who can 'do' IR and what 'doing' IR means. The practices of power needed to maintain dominant configurations of international relations are exposed, and critiquing the productive power of realism as a discourse is one way in which the authors do this. Sjoberg and Gentry pick up on a recent theoretical shift in Anglo-American IR, from system-level analysis to a recognition that individuals matter. However, as they rightly point out, the individuals who are seen to matter are not gendered relational beings, but rather reminiscent of Hobbes' construction of the autonomous rational actor. '[T]he narrowness of the group that [such an approach] includes limits its effectiveness as an interpretive framework and reproduces the gender, class and race biases in system-level international relationship scholarship' (Sjoberg and Gentry 2008, p. 200, emphasis added). Without paying adequate attention to the construction of individuals as gendered beings, or to the reproduction of widely held ideas about masculine and feminine behaviours, Sjoberg and Gentry remind us that we will ultimately fail 'to see and deconstruct the increasingly subtle, complex and disguised ways in which gender pervades international relations and global politics' (2008, p. 225). In a similar vein, Roberts notes that 'human security is marginalised or rejected as inauthentic [because] it is not a reflection of realism's (male) agendas and priorities' (2008, p. 169). The 'agendas and priorities' identified by Roberts and acknowledged by Sjoberg and Gentry as being productive of particular biases in scholarship are not simply 'academic' matters, in the pejorative sense of the term. As Roberts argues, 'Power relationships of inequality happen because they are built that way by human determinism of security and what is required to maintain security (p. 171). Realism, as academic discourse and as policy guideline, has material effects. Although his analysis employs an unconventional definition of the term 'social construction' (seemingly interchangeable with 'human agency') and rests on a novel interpretation of the three foundational assumptions of realism (Roberts, 2008, pp. 169–77), the central point that Roberts seeks to make in his conclusion is valid: 'it is a challenge to those who deny relationships between gender and security; between human agency (social construction) and lethal outcome' (p. 183). In sum, all three texts draw their readers to an inescapable, and – for the conventional study of IR – a devastating conclusion: the dominance of neo-realism/realism and the state-based study of security that derives from this is potentially pathological, in that it is in part productive of the violences it seeks to ameliorate. I suggest that critical engagement with orthodox IR theory is necessary for the intellectual growth of the discipline, and considerable insight can be gained by acknowledging the relevance of feminist understandings of gender, power and theory. The young woman buying a T-shirt from a multinational clothing corporation with her first pay cheque, the group of young men planning a stag weekend in Amsterdam, a group of students attending a demonstration against the bombing of Afghanistan – studying these significant actions currently falls outside the boundaries of doing security studies in mainstream IR and I believe these boundaries need contesting. As Marysia Zalewski argues: International politics is what we make it to be ... We need to rethink the discipline in ways that will disturb the existing boundaries of both that which we claim to be relevant in international politics and what we assume to be legitimate ways of constructing knowledge about the world (Zalewski 1996, p. 352, emphasis in original). Conclusion: 'Let a Hundred Flowers Bloom, Let a Hundred Schools of Thought Contend' (Mao Tse-Tung) In this essay, I have used the analysis of three contemporary publications in the field of feminist security studies to demonstrate three significant sets of analytical contributions that such scholarship makes to the discipline of IR. Beyond the war/peace dichotomy that is frequently assumed to be definitive of the discipline, we find many and various forms of violence, occurring in and between temporally distinct periods of conflict, which are the product/productive of socially acceptable modes of gendered behaviour, ways of being in the world as a woman or man. I have also argued that critical engagement with conventional, state-based approaches to (national) security must persist as the academic discourses we write are complicit in the construction of the global as we understand it. Further, 'if all experience is gendered, analysis of gendered identities is an imperative starting point in the study of political identities and practice' (Peterson, 1999, p. 37). To this end, I conclude by suggesting that we take seriously Enloe's final comment: 'Tracking militarization and fostering demilitarization will call for cooperative investigations, multiple skills and the appreciation of diverse perspectives' (2007, p. 164). While there has been intense intra-disciplinary debate within contemporary feminist security studies over the necessary 'feminist credentials' of some gendered analyses, it is important to recognise the continual renewal and analytical vigour brought to the field by such debates.

Debater’s cognitive biases overestimate high impact scenarios – high magnitude focus distort debate's potential to meaningfully speak to issues like gender violence. **Cohn 13**

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So let me offer another possibility: the problem isn’t the topic, but modern policy debate. The unrealistic scenarios, exclusive focus on policy scholarship, inability to engage systemic impacts and philosophical questions. And so long as these problems characterize modern policy debate, teams will feel compelled to avoid it.¶ It might be tempting to assign the blame to “USFG should.” But these are bugs, not features of plan-focused, USFG-based, active voice topics. These bugs result from practices and norms that were initially and independently reasonable, but ultimately and collectively problematic. I also believe that these norms can and should be contested. I believe it would be possible for me to have a realistic, accessible, and inclusive discussion about the merits of a federal policy with, say, Amber Kelsie. Or put differently, I’m not sure I agree with Jonah that changing the topic is the only way to avoid being “a bunch of white folks talking about nuke war.”¶ The fact that policy debate is wildly out of touch—the fact that we are “a bunch of white folks talking about nuclear war”—is a damning indictment of nearly every coach in this activity. It’s a serious indictment of the successful policy debate coaches, who have been content to continue a pedagogically unsound game, so long as they keep winning. It’s a serious indictment of policy debate’s discontents who chose to disengage. ¶ That’s not to say there hasn’t been any effort to challenge modern policy debate on its own terms—just that they’ve mainly come from the middle of the bracket and weren’t very successful, focusing on morality arguments and various “predictions bad” claims to outweigh. ¶ Judges were receptive to the sentiment that disads were unrealistic, but negative claims to specificity always triumphed over generic epistemological questions or arguments about why “predictions fail.” The affirmative rarely introduced substantive responses to the disadvantage, rarely read impact defense. All considered, the negative generally won a significant risk that the plan resulted in nuclear war. Once that was true, it was basically impossible to win that some moral obligation outweighed the (dare I say?) obligation to avoid a meaningful risk of extinction.¶ There were other problems. Many of the small affirmatives were unstrategic—teams rarely had solvency deficits to generic counterplans. It was already basically impossible to win that some morality argument outweighed extinction; it was totally untenable to win that a moral obligation outweighed a meaningful risk of extinction; it made even less sense if the counterplan solved most of the morality argument. The combined effect was devastating: As these debates are currently argued and judged, I suspect that the negative would win my ballot more than 95 percent of the time in a debate between two teams of equal ability.¶ But even if a “soft left” team did better—especially by making solvency deficits and responding to the specifics of the disadvantage—I still think they would struggle. They could compete at the highest levels, but, in most debates, judges would still assess a small, but meaningful risk of a large scale conflict, including nuclear war and extinction. The risk would be small, but the “magnitude” of the impact would often be enough to outweigh a higher probability, smaller impact. Or put differently: policy debate still wouldn’t be replicating a real world policy assessment, teams reading small affirmatives would still be at a real disadvantage with respect to reality. . ¶ Why? Oddly, this is the unreasonable result of a reasonable part of debate: the burden of refutation or rejoinder, the responsibility of debaters to “beat” arguments. If I introduce an argument, it starts out at 100 percent—you then have to disprove it. That sounds like a pretty good idea in principle, right? Well, I think so too. But it’s really tough to refute something down to “zero” percent—a team would need to completely and totally refute an argument. That’s obviously tough to do, especially since the other team is usually going to have some decent arguments and pretty good cards defending each component of their disadvantage—even the ridiculous parts. So one of the most fundamental assumptions about debate all but ensures a meaningful risk of nearly any argument—even extremely low-probability, high magnitude impacts, sufficient to outweigh systemic impacts. ¶ There’s another even more subtle element of debate practice at play. Traditionally, the 2AC might introduce 8 or 9 cards against a disadvantage, like “non-unique, no-link, no-impact,” and then go for one and two. Yet in reality, disadvantages are underpinned by dozens or perhaps hundreds of discrete assumptions, each of which could be contested. By the end of the 2AR, only a handful are under scrutiny; the majority of the disadvantage is conceded, and it’s tough to bring the one or two scrutinized components down to “zero.”¶ And then there’s a bad understanding of probability. If the affirmative questions four or five elements of the disadvantage, but the negative was still “clearly ahead” on all five elements, most judges would assess that the negative was “clearly ahead” on the disadvantage. In reality, the risk of the disadvantage has been reduced considerably. If there was, say, an 80 percent chance that immigration reform would pass, an 80 percent chance that political capital was key, an 80 percent chance that the plan drained a sufficient amount of capital, an 80 percent chance that immigration reform was necessary to prevent another recession, and an 80 percent chance that another recession would cause a nuclear war (lol), then there’s a 32 percent chance that the disadvantage caused nuclear war. ¶ I think these issues can be overcome. First, I think teams can deal with the “burden of refutation” by focusing on the “burden of proof,” which allows a team to mitigate an argument before directly contradicting its content. ¶ Here’s how I’d look at it: modern policy debate has assumed that arguments start out at “100 percent” until directly refuted. But few, if any, arguments are supported by evidence consistent with “100 percent.” Most cards don’t make definitive claims. Even when they do, they’re not supported by definitive evidence—and any reasonable person should assume there’s at least some uncertainty on matters other than few true facts, like 2+2=4.¶ Take Georgetown’s immigration uniqueness evidence from Harvard. It says there “may be a window” for immigration. So, based on the negative’s evidence, what are the odds that immigration reform will pass? Far less than 50 percent, if you ask me. That’s not always true for every card in the 1NC, but sometimes it’s even worse—like the impact card, which is usually a long string of “coulds.” If you apply this very basic level of analysis to each element of a disadvantage, and correctly explain math (.4\*.4\*.4\*.4\*.4=.01024), the risk of the disadvantage starts at a very low level, even before the affirmative offers a direct response. ¶ Debaters should also argue that the negative hasn’t introduced any evidence at all to defend a long list of unmentioned elements in the “internal link chain.” The absence of evidence to defend the argument that, say, “recession causes depression,” may not eliminate the disadvantage, but it does raise uncertainty—and it doesn’t take too many additional sources of uncertainty to reduce the probability of the disadvantage to effectively zero—sort of the static, background noise of prediction.¶ Now, I do think it would be nice if a good debate team would actually do the work—talk about what the cards say, talk about the unmentioned steps—but I think debaters can make these observations at a meta-level (your evidence isn’t certain, lots of undefended elements) and successfully reduce the risk of a nuclear war or extinction to something indistinguishable from zero. It would not be a factor in my decision.¶ Based on my conversations with other policy judges, it may be possible to pull it off with even less work. They might be willing to summarily disregard “absurd” arguments, like politics disadvantages, on the grounds that it’s patently unrealistic, that we know the typical burden of rejoinder yields unrealistic scenarios, and that judges should assess debates in ways that produce realistic assessments. I don’t think this is too different from elements of Jonah Feldman’s old philosophy, where he basically said “when I assessed 40 percent last year, it’s 10 percent now.”¶ Honestly, I was surprised that the few judges I talked to were so amenable to this argument. For me, just saying “it’s absurd, and you know it” wouldn’t be enough against an argument in which the other team invested considerable time. The more developed argument about accurate risk assessment would be more convincing, but I still think it would be vulnerable to a typical defense of the burden of rejoinder. ¶ To be blunt: I want debaters to learn why a disadvantage is absurd, not just make assertions that conform to their preexisting notions of what’s realistic and what’s not. And perhaps more importantly for this discussion, I could not coach a team to rely exclusively on this argument—I’m not convinced that enough judges are willing to discount a disadvantage on “it’s absurd.” Nonetheless, I think this is a useful “frame” that should preface a following, more robust explanation of why the risk of the disadvantage is basically zero—even before a substantive response is offered.¶ There are other, broad genres of argument that can contest the substance of the negative’s argument. There are serious methodological indictments of the various forms of knowledge production, from journalistic reporting to think tanks to quantitative social science. Many of our most strongly worded cards come from people giving opinions, for which they offer very little data or evidence. And even when “qualified” people are giving predictions, there’s a great case to be extremely skeptical without real evidence backing it up. The world is a complicated place, predictions are hard, and most people are wrong. And again, this is before contesting the substance of the negative’s argument(!)—if deemed necessary.¶ So, in my view, the low probability scenario is waiting to be eliminated from debate, basically as soon as a capable team tries to do it.¶ That would open to the door to all of the arguments, previously excluded, de facto, by the prevalence of nuclear war impacts. It’s been tough to talk about racism or gender violence, since modest measures to mitigate these impacts have a difficult time outweighing a nuclear war. It’s been tough to discuss ethical policy making, since it’s hard to argue that any commitment to philosophical or ethical purity should apply in the face of an existential risk. It’s been tough to introduce unconventional forms of evidence, since they can’t really address the probability of nuclear war

Evaluate probability first – “1% doctrine” kills decision-making since any action has some risk, so avoiding risk freezes action and prevents change. Their risks are constructed to preserve the status quo – it’s the same strategy used to block every progressive reform like ending slavery and civil rights

We need to embrace the state as a heuristic – our argument is not that the state is good but that learning the levers of power is key to confronting it. **Zanotti 14**

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By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain a pristine ‘‘freedom from all constraints’’ or an immanent ideal social order. It is found instead in multifarious and contingent struggles that are constituted **within** the scripts of **government**al rationalities and at the same time exceed and transform them. This approach questions oversimplifications of the complexities of liberal political rationalities and of their interactions with non-liberal political players and nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems. International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. Governmentality as a heuristic focuses on performing complex diagnostics of events. It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’ romanticizations of the ‘‘rebel’’ or the ‘‘the local.’’ More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. These alternative formulations also foster an ethics of political engagement, to be continuously taken up through plural and uncertain practices, that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’’83 Such ethics of engagement would not await the revolution to come or hope for a pristine ‘‘freedom’’ to be regained. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices. To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.’’84

Within education, this is uniquely key – the judge has an obligation to endorse political education to prevent ceding power. **Giroux 6**

Giroux 6 [(Henry, sociologist) “The abandoned generation: The urban debate league and the politics of possibility” from America on the Edge]

￼The decline of democratic values and informed citizenship can be seen in research studies done by The Justice Project in 2001 in which a substantial number of teenagers and young people were asked what they thought democracy meant. The answers testified to a growing depoliticization of American life and largely consisted of statements along the following lines: "Nothing," "I don't know," or "My rights, just like, pride, I guess, to some extent, and paying taxes," or "I just think, like, what does it really mean? I know its our, like, our government, but I don't know what it 6 technically is." The transition from being ignorant about democracy to actually sup- porting antidemocratic Tendencies can be seen in a number of youth surveys that have been taken since 2000. For instance, a survey released by the University of California, Berkeley, revealed that 69 percent of students support school prayer and 44 percent of young people aged fifteen to twenty-two support government restric- tions on abortions. A 2004 survey of 112,003 high school students on First Amendment rights showed that one third of students surveyed believed that the First Amendment went too far in the rights it guarantees and 36 percent believed that the press enjoyed too much freedom. This suggests not just a failing of education, but a crisis of citizenship and democracy. ￼One consequence of the decline in democratic values and citizenship literacy is that all levels of government are being hollowed our, their role reduced to dismantling the gains of the welfare state as they increasingly construct policies that ￼criminalize social problems and prioritize penal methods over social investments. When citizenship is reduced to consumerism, it should come as no surprise that people develop an indifference to civic engagement and participation in democratic public life. Unlike some theorists who suggest that politics as critical exchange and social engagement is either dead or in a state of terminal arrest, I believe that the current depressing state of politics points to an urgent challenge: reformulating the crisis of democracy as a fundamental crisis of vision, meaning, education, and political agency. Central to my argument is the assumption that politics is not simply about power, but also, as Cornelius Castoriadis points out, "has to do with political judgments and value choices," meaning that questions of civic education—learning how 8 to become a skilled citizen—are central to democracy itself. ￼Educators at all levels need to challenge the assumption that politics is dead, or the nature of politics will be determined exclusively by government leaders and experts m the heat of moral frenzy. Educators need to take a more critical position, arguing that knowledge, debate, and dialogue about pressing social problems offer individuals and groups some hope in shaping the conditions that bear down on their lives. Public civic engagement is essential if the concepts of social life and the public sphere are to be used to revitalize the language of civic education and democratization as part of a broader discourse of political agency and critical citizenship in a global world. Linking the social to democratic public values represents an attempt, however incom- plete, to link democracy to public action, as part of a comprehensive attempt to revitalize civic activism and citizen access to decision-making while simultaneously addressing basic problems of social justice and global democracy. ￼Educators within public schools need to find ways to engage political issues by making social problems visible and by debating them in the political sphere. They also need to be at the forefront of the defense of the most progressive historical advances and gains of the state. 1-rcnch sociologist Pierre Bourdieu is right when he calls for collective work by educators to prevent those who arc mobilized against the welfare state from destroying the most precious democratic conquests in labor legis- lation, health, social protection, and education.'' At the very least, this would suggest that educators should defend schools as democratic public spheres, struggle against the de-skilling of teachers and students that has accompanied the emphasis on teach- ing for test-taking, and argue for pedagogy grounded in democratic values rather than testing schemes that severely limit the creative, ethical, and liberatory potential of education.

### Part Five is Theory

1. Don’t vote on theory about our AFF being substantively hard to answer:

A. They punish the AFF for doing good research, which kills fairness since the AFF is expected to find the best args for their side and the neg doesn’t get to choose exactly what ground they want as long as they have ground – their interp justifies shells like “may not read good cards because they’re slightly harder to answer”

B. Incentivizes less research and more vague case writing - people will read worse args for fear of losing on “your case is too good” which is terrible for learning about the topic. Also kills creativity since it only allows the most common cases instead of good, slightly harder ones which makes stale education where we just memorize blocks – outweighs since thinking on our feet is key to *applying* other knowledge

C. It’s more unpredictable to create rules ex post facto that exclude advocacies not derived from the topic literature since the AFF speaks in the dark and can’t possibly know what interps to expect if they’re not grounded in the topic – outweighs their offense since it’s still possible to engage the AFF even if a little harder

D. Our AFF is obscenely predictable – it’s been disclosed for 4 months, is a major proposal, and is the #1 AFF on the topic according to premier debate – proves reading T is disingenuous and an excuse to avoid talking about IPV

AND AFF gets RVIs –

1. AFF flex – neg has the ability to collapse to either layer so aff needs the same ability for the 2AR – this outweighs. **A.** 2NR collapse – time skew becomes 6-1 since I cover multiple layers, which makes it impossible to win **B.** 1AR is too short to read theory compared to the neg so AFF needs each layer to be reciprocal rather than adding more unreciprocal avenues

2. Only neg can read T because only AFF has a T burden so since aff can’t reciprocally respond they need the RVI to compensate for neg’s unique avenue to the ballot.

## AC – Framework Debater

### Part One is Framework

The role of the ballot is to vote for the debater who best methodologically resists oppression. Abstractions that don’t address the AFF’s fundamental thesis marginalize the discussion, destroying accessibility. **Smith 13**

Elijah Smith, A Conversation in Ruins: Race and Black Participation in Lincoln Douglas Debate, Vbriefly, 2013. NS

It will be uncomfortable, it will be hard, and it will require continued effort but the necessary step in fixing this problem, like all problems, is the community as a whole admitting that such a problem with many “socially acceptable” choices exists in the first place. Like all systems of social control, the reality of racism in debate is constituted by the singular choices that institutions, coaches, and students make on a weekly basis. I have watched countless rounds where competitors attempt to win by rushing to abstractions to distance the conversation from the material reality that black debaters are forced to deal with every day. One of the students I coached, who has since graduated after leaving debate, had an adult judge write out a ballot that concluded by “hypothetically” defending my student being lynched at the tournament. Another debate concluded with a young man defending that we can kill animals humanely, “just like we did that guy Troy Davis”. Community norms would have competitors do intellectual gymnastics or make up rules to accuse black debaters of breaking to escape hard conversations but as someone who understands that experience, the only constructive strategy is to acknowledge the reality of the oppressed, engage the discussion from the perspective of authors who are black and brown, and then find strategies to deal with the issues at hand. It hurts to see competitive seasons come and go and have high school students and judges spew the same hateful things you expect to hear at a Klan rally. A student should not, when presenting an advocacy that aligns them with the oppressed, have to justify why oppression is bad. Debate is not just a game, but a learning environment with liberatory potential. Even if the form debate gives to a conversation is not the same you would use to discuss race in general conversation with Bayard Rustin or Fannie Lou Hamer, that is not a reason we have to strip that conversation of its connection to a reality that black students cannot escape.

Standpoint epistemology is the best starting point for moral decisions – other methods exclude some viewpoints, which makes true analysis of reality impossible. **Mills 1**

\*\*Edited for ableist language

Charles Mills, “Ideal Theory” as Ideology, 2005. NS

The crucial common claim—whether couched in terms of ideology and fetishism, or androcentrism, or white normativity—is that all theorizing, both moral and nonmoral, takes place in an intellectual realm dominated by concepts, assumptions, norms, values, and framing perspectives that reflect the experience and group interests of the privileged group (whether the bourgeoisie, or men, or whites). So a simple empiricism will not work as a cognitive strategy; one has to be self-conscious about the concepts that “spontaneously” occur to one, since many of these concepts will not arise naturally but as the result of social structures and hegemonic ideational patterns. In particular, it will often be the case that dominant concepts will obscure certain crucial realities, blocking them from sight, or naturalizing them, while on the other hand, concepts necessary for accurately mapping these realities will be absent. Whether in terms of concepts of the self, or of humans in general, or in the cartography of the social, it will be necessary to scrutinize the dominant conceptual tools and the way the boundaries are drawn. This is, of course, the burden of standpoint theory—that certain realities tend to be more visible from the perspective of the subordinated than the privileged (Harding 2003). The thesis can be put in a strong and implausible form, but weaker versions do have considerable plausibility, as illustrated by the simple fact that for the most part the crucial conceptual innovation necessary to map nonideal realities has not come from the dominant group. In its ignoring of oppression, ideal theory also ignores the consequences of oppression. If societies are not oppressive, or if in modeling them we can abstract away from oppression and assume moral cognizers of roughly equal skill, then the paradigmatic moral agent can be featureless. No theory is required about the particular group-based obstacles that may block the vision of a particular group. By contrast, nonideal theory recognizes that people will typically be cognitively affected by their social location, so that on both the macro and the more local level, the descriptive concepts arrived at may be misleading. Think of the original challenge Marxist models of capitalism posed to liberalism’s social ontology: the claim that to focus on relations of aparently equal exchange, free and fair, among equal individuals was illusory, since at the level of the relations of production, the real ontology of worker and capitalist manifested a deep structure of constraint that limited proletarian freedom. Think of the innovation of using patriarchy to force people to recognize, and condemn as political and oppressive, rather than natural, apolitical, and unproblematic, male domination of women. Think of the recent resurrection of the concept of white supremacy to map the reality of a white domination that has continued in more subtle forms past the ending of de jure segregation. These are all global, high-level concepts, undeniable abstractions. But they map accurately (at least arguably) crucial realities that differentiate the statuses of the human beings within the systems they describe; so while they abstract, they do not idealize. Or consider conceptual innovation at the more local level: the challenge to the traditional way the public/private distinction was drawn, the concept of sexual harassment. In the first case, a seemingly neutral and innocuous conceptual divide turned out, once it was viewed from the perspective of gender subordination, as contributing to the reproduction of the gender system by its relegation of “women’s issues” to a seemingly apolitical and naturalized space. In the case of sexual harassment, a familiar reality—a staple of cartoons in men’s magazines for years (bosses chasing secretaries around the desk and so on)—was reconceptualized as negative (not something funny, but something morally wrong) and a contributor to making the workplace hostile for women. These realizations, these recognitions, did not spontaneously crystallize out of nowhere; they required conceptual labor, a different map of social reality, a valorization of the distinctive experience of women. As a result of having these concepts as visual aids, we can now see better: our perceptions are no longer [ignorant] blinded to realities to which we were previously obtuse. In some sense, an ideal observer should have been able to see them—yet they did not, as shown by the nonappearance of these realities in male-dominated philosophical literature.

**Implications:**

**A.** Only non-ideal theory is motivating: groups who have historically been excluded from ideal ethics can’t be compelled to participate in such a system. That’s a prerequisite to ethics – if people can’t adopt a theory, it has no use.

**B.** Non-ideal philosophical discussion is most educationally valuable since it’s always excluded from academia, so it’s a unique insight we should explore.

Thus the standard is resisting oppression. Non-ideal theory necessitates consequentialism since instead of following absolute rules that assume an equal playing field, we take proactive steps to rectify current injustice.

This doesn’t deny that some basic principles are key to ethics. We can recognize overarching themes like equality is good – we just shouldn’t adhere to strict moral rules that assume everyone has equal control over themselves in the status quo.

Prefer it additionally:

1. Real world education – idealizing social phenomena makes fighting real oppression impossible. **Curry 14**

Curry, Tommy J. [Ph.D., Associate Professor of Philosophy, Texas A & M University] “The Cost of a Thing: A Kingian Reformulation of a Living Wage Argument in the 21st Century.” Victory Briefs, January/February 2015. CC

**Despite the pronouncement of debate as an activity and intellectual exercise pointing to the real world consequences of dialogue**, thinking, and (personal) politics when addressing issues of racism, sexism, economic disparity, global conflicts, and death, many of the discussions concerning these ongoing challenges to humanity are fixed to a paradigm which sees the adjudication of material disparities and sociological realities as the conquest of one ideal theory over the other. In “Ideal Theory as Ideology,” Charles Mills outlines the problem contemporary theoretical-performance styles in policy debate and value-weighing in Lincoln-Douglass are confronted with in their attempts to get at the concrete problems in our societies. At the outset, Mills concedes that “ideal theory applies to moral theory as a whole (at least to normative ethics as against metaethics); [s]ince ethics deals by definition with normative/prescriptive/evaluative issues, [it is set] against factual/descriptive issues.” At the most general level, the conceptual chasm between what emerges as actual problems in the world (e.g.: racism, sexism, poverty, disease, etc.) and how we frame such problems theoretically—the assumptions and shared ideologies we depend upon for our problems to be heard and accepted as a worthy “problem” by an audience—is the most obvious call for an anti-ethical paradigm, since such a paradigm insists on the actual as the basis of what can be considered normatively. Mills, however, describes this chasm as a problem of an ideal-as-descriptive model which argues that for any actual-empirical-observable social phenomenon (P), an ideal of (P) is necessarily a representation of that phenomenon. In the idealization of a social phenomenon (P), one “necessarily has to abstract away from certain features” of (P) that is observed before abstraction occurs. ¶ This gap between what is actual (in the world), and what is represented by theories and politics of debaters proposed in rounds threatens any real discussions about the concrete nature of oppression and the racist economic structures which necessitate tangible policies and reorienting changes in our value orientations. As Mills states: “What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual,” so what we are seeking to resolve on the basis of “thought” is in fact incomplete, incorrect, or ultimately irrelevant to the actual problems which our “theories” seek to address. Our attempts to situate social disparity cannot simply appeal to the ontologization of social phenomenon—meaning we cannot suggest that the various complexities of social problems (which are constantly emerging and undisclosed beyond the effects we observe) are totalizable by any one set of theories within an ideological frame be it our most cherished notions of Afro-pessimism, feminism, Marxism, or the like. At best, theoretical endorsements make us aware of sets of actions to address ever developing problems in our empirical world, but even this awareness does not command us to only do X, but rather do X and the other ideas which compliment the material conditions addressed by the action X. As a whole, debate (policy and LD) neglects the need to do X in order to remedy our cast-away-ness among our ideological tendencies and politics. How then do we pull ourselves from this seeming ir-recoverability of thought in general and in our endorsement of socially actualizable values like that of the living wage? It is my position that Dr. Martin Luther King Jr.’s thinking about the need for a living wage was a unique, and remains an underappreciated, resource in our attempts to impose value reorientation (be it through critique or normative gestures) upon the actual world. In other words, King aims to reformulate the values which deny the legitimacy of the living wage, and those values predicated on the flawed views of the worker, Blacks, and the colonized (dignity, justice, fairness, rights, etc.) used to currently justify the living wages in under our contemporary moral parameters.

2. Ideal theory destroys practical application of ethics. **Mills 3**

Mills, C. W. (2009), Rawls on Race/Race in Rawls. The Southern Journal of Philosophy, 47: 161–184

Now how can this ideal ideal—a society not merely without a past history of racism but without races themselves—serve to adjudicate the merits of competing policies aimed at correcting for a long history of white supremacy manifest in Native American expropriation, African slavery, residential and educational segregation, large differentials in income and huge differentials in wealth, nonwhite underrepresentation in high-prestige occupations and overrepresentation in the prison system, contested national narratives and cultural representations, widespread white evasion and bad faith on issues of their racial privilege, and a corresponding hostile white backlash against (what remains of) those mild corrective measures already implemented? Obviously, it cannot. As Thomas Nagel concedes: “Ideal theory enables you to say when a society is unjust, because it falls short of the ideal. But it does not tell you what to do if, as is almost always the case, you find yourself in an unjust society, and want to correct that injustice” (2003a, 82). Ideal theory represents an unattainable target that would require us to roll back the clock and start over. So in a sense it is an ideal with little or no practical worth. What is required is the nonideal (rectificatory) ideal that starts from the reality of these injustices and then seeks some fair means of correcting for them, recognizing that in most cases the original prediscrimination situation (even if it can be intelligibly characterized and stipulated) cannot be restored. Trying to rectify systemic black disadvantage through affirmative action is not the equivalent of not discriminating against blacks, especially when there are no blacks to be discriminated against. Far from being indispensable to the elaboration of nonideal theory, ideal theory would have been revealed to be largely useless for it. But the situation is worse than that. As the example just given illustrates, it is not merely a matter of an ideal with problems of operationalization and relevance, but of an ideal likely to lend itself more readily to retrograde political agendas. If the ideal ideal rather than the rectificatory ideal is to guide us, then a world without races and any kind of distinctiondrawing by race may seem to be an attractive goal. One takes the ideal to be colorblind nondiscrimination, as appropriate for a society beginning from the state of nature, and then—completely ignoring the nonideal history that has given whites a systemic illicit advantage over people of color—conflates together as “discrimination” all attempts to draw racial distinctions for public policy goals, no matter what their motivation, on the grounds that this perpetuates race and invidious differential treatment by race. In the magisterial judgment of Chief Justice John Roberts in the June 2007 Supreme Court decision on the Seattle and Louisville cases where schools were using race as a factor to maintain diversity, “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race,”6 a statement achieving the remarkable feat of depicting not merely as true, but as tautologically true, the equating of Jim Crow segregation and the attempt to remedy Jim Crow tion! What is ideally called for under ideal circumstances is not, or at least is not necessarily, what is ideally called for under nonideal circumstances. Claiming that all we need to do is to cease (what is here characterized as) discrimination ignores the differential advantages and privileges that have accumulated in the white population because of the past history of discrimination. So the defense in terms of ideal theory is doubly problematic. In the first place, ideal theory was never supposed to be an end in itself, but a means to improving our handling of nonideal matters, and the fact that Rawls and his disciples and commentators have for the most part stayed in the realm of the ideal represents an evasion of the imperative of dealing with what were supposed to be the really pressing issues. And in the second place, it is questionable in any case how useful the ideal ideal in the Rawlsian sense is or ever would have been in assisting this task. So it is not merely that ideal theory has not come to the aid of those dealing with nonideal injustice but that it was unlikely to have been of much help when and if it ever did arrive.

3. Only consequences are justifiable since intents can always be contested and aren’t resolvable among different people – only empirical end states can be validly analyzed.

**And,** resolving conflicting interests means the state violates rights with every action it takes, so absolute side-constraints are implausible. Obama’s executive order no-uniques strict principle based NCs. My theory assigns equal weight to relevant preferences, whereas others arbitrarily value certain people by failing to sacrifice some for others sake.

Prefer government specific obligations since obligations differ by actor – police officers have a duty to arrest criminals but civilians don’t.

### Part Two is Inherency

Loopholes in federal law allow dating partners committing intimate partner violence to retain their guns, causing massive violence against women and queer survivors. **EGS 14**

Everytown for Gun Safety [American nonprofit organization, support efforts to educate policy makers, as well the press and the public, about the consequences of gun violence and promote efforts to keep guns out of the hands of criminals] “Domestic Violence and Guns: Myths and Facts about S.1290.” June 2014. CC

About S.1290: Current law prohibits certain people who have been convicted of misdemeanor crimes of domestic violence (“MCDVs”) or who are subject to domestic violence restraining orders from possessing guns. But it is still legal for violent dating partners and stalkers to possess guns— even though more women in the U.S. are killed by dating partners than by husbands. S.1290 will close the loopholes that continue to allow stalkers and violent dating partners to lawfully possess guns.  Why federal law should aim to keep guns out of the hands of domestic abusers: Domestic violence continues to be a terrible reality in this country, and each year, more than a million American women are assaulted by an intimate partner. 1  Women in the United States are eleven times more likely to be killed with a gun than are women in other high-income countries.2  The presence of a gun in an [intimate partner] domestic violence situation increases the risk that a woman will die by 500 percent. 3  According to a 2010 study in the Journal of Injury Prevention, states that restrict access to guns for restraining order subjects see a 25 percent reduction in intimate partner gun homicides.4  Background checks work to keep guns out of the hands of domestic abusers: Since 1998, the background check system has blocked at least 300,000 sales to people prohibited from buying guns due to MCDVs or domestic violence restraining orders.  About the Misdemeanor Crime of Domestic Violence prohibitor: This prohibitor was added to federal law in 1997.  Dating partners who are “similarly situated to a spouse” and are convicted of an MCDV are already prohibited from possessing guns. Nothing in S.1290 alters this language.  Myth: Opponents claim that the U.S. Supreme Court “read out the ‘violence’ component” of MCDVS in a recent decision.  Fact: The Supreme Court recognized that Congress wrote the MCDV prohibitor broadly to include domestic abusers convicted of any violent offense—regardless of the degree of violence.  State Laws: Most states recognize the danger of abusive dating partners: 42 states and the District of Columbia allow dating partners to seek domestic violence protective orders against their abusers.  What S.1290 would do:  Myth: Opponents claim that by extending the MCDV prohibitor to include abusive dating partners, S.1290 would include relationships described with “expansive and vaguely defined…terms.”  Fact: The dating relationships covered by S.1290 are not vaguely defined. In fact, the language in S.1290 defining dating relationship exactly mirrors the language of the Violence Against Women Act. S.1290 will put the federal gun laws in line with the rest of federal law combatting violence against women.  Fact: In 2013, more than two-thirds of Congress voted to reauthorize VAWA, affirming the inclusion of the same relationships covered in S.1290 Myth: Opponents claim that by extending the federal gun prohibitors to abusive dating partners, S.1290 would effectively extend the reach of the law beyond domestic abuse (“read[ing] out” the word “domestic” from “domestic violence”).  Fact: S.1290 includes a definition of ‘dating relationship’ that cabins the bill to incidents of real domestic abuse while confronting today’s reality of domestic violence.  Fact: The proportion of intimate partner homicides committed partners has risen steadily, and more women are now killed by dating partners than by husbands.5  S.1290 would close this loophole by prohibiting offenders convicted of abusing their intimate partners, regardless of whether they are married to their victims.  Myth: Opponents suggest that extending the federal gun prohibitors to abusive dating partners would be unreasonable because male partners would be covered.  Fact: Intimate partner violence is also a problem in same-sex relationships, and keeping guns out of the hands of violent same-sex dating partners is no less important than for heterosexual dating partners.  Fact: In 2011, one-third of same-sex intimate partner homicides were committed with guns.

**Thus, the plan:** The United States federal government ought to ban the private ownership of handguns for individuals convicted of misdemeanor-level stalking crimes and intimate partner violence offenders in non-cohabitating dating relationships. Enforcement is through mandatory confiscation. **McDonough 15**

Katie McDonough [Staff writer at Fusion, an ABC-Univision Joint-Venture], "How a Law With Two Missing Words is Letting Domestic Abusers Buy Guns," Fusion, September 21, 2015. CC

This glaring gap in policy was raised last week by Democratic presidential candidate Martin O’Malley, who rolled out a gun policy platform that included closing the “boyfriend loophole” as well as other things like universal background checks and restrictions on concealed carry. From the O’Malley fact sheet: O’Malley supports the proposed federal legislation that would close this loophole, providing critical protections for women who are targets of dating violence. O’Malley also supports provisions that prohibit anyone convicted of stalking from owning a gun. The legislation O’Malley is talking about has bipartisan support in Congress, but, like so many other gun reform measures, the bills haven’t advanced an inch since being introduced. The House version of the bill—the Zero Tolerance for Domestic Abusers Act—was introduced in July by Michigan Democrat Debbie Dingell and Illinois Republican Robert Dold. It still hasn’t received a hearing or a vote. In a statement to Fusion, Dingell emphasized the bipartisan nature of the bill: “We disagree on a lot of things in Washington, but we all agree that no woman and no child should ever live in fear because of domestic violence. The bipartisan Zero Tolerance for Domestic Abusers Act makes commonsense updates to our laws to protect victims of domestic abuse and stalking from gun violence and, ultimately, save lives.” In the Senate, Democrats introduced the Protecting Domestic Violence and Stalking Victims Act of 2013, but the bill never left committee. (The bill has been reintroduced as the Protecting Domestic Violence and Stalking Victims Act of 2015.) Both versions of the legislation would do the same thing: expand the Brady Handgun Violence Prevention Act to protect people in dating relationships by adding the words “dating partners” to the existing provision on domestic violence. This small change—just adding two words—would ban convicted abusers in dating relationships from owning guns, same as their married counterparts. The fix is that simple, which is part of why it’s so absurd that it hasn’t happened yet.

### Part Three is Solvency

Access to handguns uniquely increases the risk of violence and homicide; plan is key to reduce it. **Maloney 15**

Allison Maloney [Writer for the Shriver Report, worked for Newsweek, B.S. from Scripps College, minored in history and African-American studies]. “The “boyfriend loophole” in U.S. gun laws is costing women’s lives.” Women in the World in Association with the New York Times. September 18, 2015. CC

An American woman’s chances of experiencing physical violence of some form at the hands of her male partner are more than one in three, and when a gun is present in a domestic violence situation, the risk of homicide increases by 500 percent. More than all other weapons combined, guns have been the tool of choice for the majority of the nation’s intimate partner homicides in the past 25 years. In the United States, women are 11 times more likely to be murdered with a gun than women in other high income countries. Advocates for women have long argued that guns easily turn domestic violence into domestic homicide. The tie between domestic violence rates and the number of women killed by guns may not come as a surprise, but the data is still disturbing. An annual report from the Violence Policy Center (VPC) released this week shows that of the 1,615 women murdered by men in 2013 in single victim/offender incidents, the most commonly used weapon was a gun – handguns being the most popular tool of choice. Also according to the report, When Men Murder Women, 94 percent of those women were killed by someone they knew. Of the women who knew their offenders, 62 percent were the wife or intimate acquaintance of the killer. Despite rhetoric from the National Rifle Association and other pro-gun groups, men who kill are generally not strangers to their female victims, and the fatal attacks are not happening in dark alleyways. Most women were killed in their homes and the “overwhelming” majority of these cases – 85 percent – were not related to another felony crime like rape or robbery. “Women are dying every day as a result of domestic violence, and our state and federal laws are insufficient in the face of this crisis,” VPC legislative director Kristen Rand said a statement. Julia Wyman, executive director of States United to Prevent Gun Violence, agrees. “Closing gaps in state and federal gun laws will save women’s lives,” she said.

Handgun bans empirically reduce IPV and don’t cause a substitution effect. **Mascia 15**

Jennifer Mascia [Editorial assistant in the editorial department of the New York Times, contributor to The Gun Report, gun violence project], "Domestic Violence Offenders Abusers Frequently Get to Keep Their Guns. Here Are the Big Reasons Why.," Trace, October 26, 2015. CC

A handful of states and cities have moved to close this gap in federal law with their own relinquishment requirements. Ten states mandate domestic violence misdemeanants hand over their guns, while 15 states require subjects of domestic violence restraining orders to do so. (Similar federal legislation was introduced in 2014 but did not pass.) Research shows that gun surrender laws have been successful: One 2009 study study found that cities in states with relinquishment laws had 25 percent fewer domestic gun homicides compared to cities in states without them. In the 2013 book Reducing Gun Violence in America, Shannon Frattaroli and April M. Zeoli found that “would-be killers do not replace guns with other weapons,” and concluded that restricting firearms access for domestic abusers can save lives. “We know that most domestic violence homicides happen with firearms, and their presence increases risk of homicide,” Krista Niemczyk, policy manager at the California Partnership to End Domestic Violence, tells The Trace. “The impact firearms have on the level of abuse is really staggering.”

The plan is empirically effective – it reduces homicides and background checks are successful. **DS 15**

Ruth Glenn of the National Coalition Against Domestic Violence (The National Coalition Against Domestic Violence (NCADV) has worked for more than thirty-five years to address the issue of domestic violence and violence against women. NCADV works developing and influencing policy at the national level; assisting shelters and programs (nationwide) with programming and projects, and offering supportive programs to victims of domestic violence), Overcoming The Domestic Violence Gun Law Gotcha, Domesticshelters.org, 2015. NS

It’s one of those laws that would save lives if enforced regularly but, for myriad reasons, often flies under the radar of local law enforcement. Under the 1996 Lautenberg Amendment or Domestic Violence Gun Ban, which amends the Federal Gun Act of 1968, persons convicted of a felony or domestic violence misdemeanor, or who are subject to a domestic violence protective order, are prohibited from possessing guns. That said, each state maintains their own individual laws—some more lenient, others stricter, but all must abide by the basic federal law. Unfortunately, most states do not have a mandatory state process in effect requiring offenders to surrender their guns. As of last year, 41 states did not have such laws in place. One of those states is Texas, namely Dallas County. The Dallas Morning News found that offenders weren’t properly informed on how to obey the law and no follow-up appointments were happening. In one devastating situation, a 27-year-old man who had a family violence protective order against him killed a 28-year-old woman who was eight months pregnant with their child, using a gun he wasn’t legally permitted to have. Neither mother nor baby survived. But as of early May, Dallas County is getting on track with the implementation of a new program which requires individuals convicted of a domestic violence crime or under a restraining order because of domestic violence, to turn over their firearms at a local gun range or give them to an approved third party. While laws alone will not entirely solve the problem of abusers using guns against their victims, the laws have been proven to make a difference. For instance, in states where background checks are required for handgun sales, 38 percent fewer women have been shot to death by an intimate partner, according to the Federal Bureau of Investigation. One wonders if the change in Dallas County was prompted by a spike in domestic violence deaths in 2013 that brought that region to the top of the list for highest number of women killed by intimate partners. Twenty women died that year at the hands of their partners. South Carolina, also one to not largely enforce the Domestic Violence Gun Ban, has recently been trying to turn things around. The legislature just passed a bill that enforces tougher penalties for domestic violence crimes and bans gun ownership for 10 years. This is welcome news for a state that’s been ranked No. 2 in the country for women murdered by intimate partners. But it’s not all settled yet—Governor Nikki Haley has yet to sign it. You can help protect South Carolina and show your support of the bill by filling out this form. “There will always be ways for people to sidestep laws. However, that doesn’t mean we shouldn’t work to improve the laws and the process, because data shows enforcement makes a difference in saving lives,” said Ruth Glenn, executive director of National Coalition Against Domestic Violence. “In addition to the states carrying through on the federal law, the laws prohibiting possession need to expand to include those convicted of stalking and dating abuse.” The U.S. Department of Justice reports that dating partners are now responsible for the majority of intimate partner homicides, when compared to spouses. While some will debate this topic for various perspectives, the facts about the role of guns in escalating [intimate partner] domestic violence are indisputable. The presence of a gun makes it five times more likely domestic violence will become murder. Domestic violence assaults involving a gun are 12 times more likely to result in death than those using other weapons or bodily force. In 2011, nearly two-thirds of women killed with guns were at the hands of intimate partners.

Handguns are uniquely problematic for intimate partner violence – long guns aren’t concealable and give survivors more time to escape. **Dixon 93**

Nicholas Dixon [Chair and Dykstra Philosopher at Alma College, Ph.D. and M.A. in Philosophy from Michigan State University]. Why We Should Ban Handguns in the United Staets. 12 St. Louis U. Pub. L. Rev. 243 1993. DD

Bracketed for insensitive language

One has to doubt the reliability of the statements of prisoners as to what firearms they would carry in certain circumstances. Macho bragging and outright lying are very likely in such situations, and relegate Kleck's projections to the status of unsupported conjecture. In view of the fact that such a small percentage of the actual mur- ders in the United States in 1990 were committed with long guns,' the burden on Kleck to prove his hypothetical speculation is even heavier. As for Kates and Benenson, their projections are based on the unsupported assertion that the 70% of handgun killers who do not turn to long guns would instead use knives, the most lethal weapon other than firearms. It is more probable that at least some potential murderers would turn to less lethal weapons or their bare hands, and that some would be deterred from assaults altogether. Since Kates and Benenson ignore these probable scenarios, and since their substitution predictions are in any case purely speculative, it is safe to conclude that their estimate of the increase in the homicide rate in the event of a handgun-only ban is inflated. The conjectures offered in support of the substitution hypothesis are inadequate and fail to meet the burden of proof encumbent on opponents of my proposal.¶ Another reason to doubt that long guns would be used in great numbers to replace handguns in robberies, assaults, and homi- cides is that long guns are obviously much more difficult to conceal. A potential mugger roaming the streets wielding a long gun will cause everyone in sight to flee, and is likely to be quickly arrested¶ when alarmed people call the police. Similarly, a bank robber car-¶ rying a long gun will be immediately detected by security guards,¶ alarm systems will be triggered, and the chances of a successful¶ robbery greatly diminished. Handguns are obviously much more convenient for the commission of such crimes. Kates and Benenson point out that most homicides occur in the home, where concealability is “irrelevant.” 95 However, concealability would seem to be an important factor even in the home. Since the victim may well be unaware that the killer is carrying a concealed weapon, the “surprise factor” which is peculiar to handguns can still apply even in the home. In contrast, people can hardly be unaware that the person they are with is carrying a shotgun or rifle. Moreover, in any argument or domestic quarrel, regardless of whether the potential victim knows that the assaulter is carrying a handgun, the ease of pulling out the gun and shooting makes such arguments more likely to spill over into murder. In contrast, by the time the assaulter has gone into another room to retrieve their long gun and loaded it, the [survivor] potential victim has crucial seconds in which to escape.

**And,** IPV prevents any sort of larger social movement – control over a person’s identity fractures the potential for collective resistance. **O’Doherty 15**

O’Doherty, Lorna Jane [Ph.D. in Applied Psychology, Coventry University], et al. "Fractured Identity in the Context of Intimate Partner Violence Barriers to and Opportunities for Seeking Help in Health Settings." Violence against women (2015).

IPV produces fear and self-doubt; it threatens a person’s life goals, safety, and even¶ survival; and it is associated with lost agency and ability to control the world (Liang¶ et al., 2005; World Bank, 2012). Evaluative dimensions of self-concept, that is, notions¶ of self-worth and self-esteem (Fleming & Courtney, 1984) underlie self-efficacy and¶ have been shown to relate to abused women’s capacity to escape violence (Cluss et al.,¶ 2006). Although studies have reported on ways in which IPV “spoils” women’s identities¶ and is damaging to self-concept (Hague, Mullender, & Aris, 2003; Moss, Pitula, Campbell, & Halstead, 1996), the effects of IPV on the different dimensions of identity¶ outlined above have not been explored in any systematic way. Furthermore, it¶ appears from the literature that social identity theory (Tajfel, 1981) has not been¶ applied in exploring the impacts of IPV on women’s lives.¶ Applying Brewer’s (2001) framework to the IPV literature suggests ways in which¶ social identities are invoked where IPV is present. Undermining aspects of the personbased¶ social identity is a hallmark of emotional abuse whereby deeply integrated and¶ personal aspects of the victim’s concept of self are targeted (Stark, 2007; Williamson,¶ 2010). Individuals also self-define (and evaluate themselves) in the context of their¶ relationships with significant others and based on their performance of role relationships¶ (Breckler & Greenwald, 1986). Thus, it is unsurprising, given the evaluative¶ context of the intimate relationship, that abused women often report a sense of failure¶ (Waldrop & Resick, 2004). Unreasonable expectations set by the perpetrator make it¶ virtually impossible to “succeed” in the partner role (Williamson, 2010). The violence¶ may also target directly other relational social identities. Herman describes how the¶ most destructive tactics violate women’s basic human attachments (Herman, 1992). At¶ the group level of self-representation, evaluation of the collective self-concept involves¶ intergroup comparison. Here, one strives to associate with groups that are valued and¶ confer benefits for self-esteem (Smith & Tyler, 1997). In the context of an abusive¶ relationship, social participation may be restricted, leading to lost opportunities to derive the benefits of group connections (Liang et al., 2005). Regarding the collective¶ identity, IPV may lead to lost identification with a collective (e.g., religion through¶ spiritual abuse) or identification with an emergent collective of “abused women”¶ (Crawford et al., 2009). Thus, balancing the risks and benefits of disclosing and getting¶ help is an ongoing process for women, with implications for social identities even¶ after they have escaped the violence. Analysis at these different levels of identity may¶ offer further understanding of the barriers facing women in finding pathways to safety.

The specific lived experiences of survivors are more important than vague, large-scale social claims. **Denzin 84**

Denzin, Norman K [Distinguished Professor of Communications, College of Communications Scholar, and Research Professor of Communications, Sociology, and Humanities at the University of Illinois, Urbana-Champaign.] "Toward a phenomenology of domestic, family violence." American journal of sociology (1984): 483-513.

Within this setting all the dynamics of living together in a small, heterosexual¶ group are played out, producing a simultaneous confusion in¶ the realms of patriarchy, intimacy, service, and interaction. This domestic¶ order is the arena for the clash of social selves and the display of raw¶ emotionality that erupts into violence. The violence that is woven¶ through the structures of this family is an enduring form of relational¶ interaction that is fixed in the social settings of the home. Violent episodes¶ flow into one another, constituting a field of violence that sets itself in¶ front of the family members as a coefficient of adversity, or obstacle to¶ action, often self-imposed, and self-defined (Sartre [1943] 1956, pp. 488-¶ 89), although it derives its origins from external structures. These structures¶ of violent experience are cyclical and assume an autonomous existence¶ in the life of the family. They are seen as causing the violence that is¶ experienced. As the family moves through the phases of tension toward¶ violence and violent outbursts and then into calm, intimate interaction,¶ personal responsibility for the violence is neutralized in the face of these experiential structures (Walker 1979, p. 55). Bad faith (Sartre [1943]¶ 1956, pp. 55-66), which accompanies the act of denial when violence first¶ appears or when it erupts again, secures violence as a potentially permanent¶ feature of daily family life.¶ I will examine this thesis from the standpoint of a critical, interpretive¶ phenomenology which stresses the place of emotionality, the self, and¶ interaction processes in the generation of interpersonal, domestic violence.¶ Briefly stated, my critical phenomenology assumes that the phenomenon¶ of violence must be examined from within; that although structural processes (economic, legal, religious, cultural, ideological) influence and shape family violence, their meanings are filtered and woven through the lives of interacting individuals, each of whom is understood to be a¶ universal singular, embodying in his or her lifetime the forces, contradictions,¶ and ideologies of a particular historical moment (Sartre [1971] 1981,¶ p. ix; Merleau-Ponty 1955; Engels [1884] 1962; Denzin 1984a; Marx¶ [1852] 1983, p. 287). The violence that each family of violence makes and¶ experiences has been made and experienced before. It is not purely spontaneous,¶ made under conditions freely chosen. Rather, it is produced and¶ experienced in situations which have been "given and handed down to¶ them . . . from . . . countless dead generations," also the victims of a¶ violent past that was inherited (Marx [1852] 1983, p. 287). The raw,¶ skeletal, obdurate features of social structures and lived history thus set¶ the stage for domestic violence, which must then be studied through¶ thick, phenomenological descriptions of lived violence (Geertz 1973; Denzin¶ 1984a; Loseke 1983; Loseke and Cahill 1984).

IPV is perpetuated by a lack of education – educational spaces must condemn IPV to start prevention – this has tangible impacts. **Wolfe and Jaffe 99**

Wolfe, David A. [Research Professor and Scholar, Western University], and Peter G. Jaffe [Peter Jaffe is the Founding Director (1975-2001) and Special Advisor on Violence Prevention of the Centre for Children and Families in the Justice System of the London Family Court Clinic; member of the Clinical Adjunct Faculty for the Departments of Psychology and Psychiatry at the University of Western Ontario; former chair of the Board of Directors of the Battered Women's Advocacy Centre; and past Chairperson and a founding board member of the Board of Directors for the Centre for Research on Violence Against Women and Children. He gives presentations on violence and facilitates over 50 workshops a year for teachers, students, lawyers, judges, police, doctors, clergy and various community groups. Dr. Jaffe is the recipient of many awards and grants, author of numerous research articles, and co-author of four books dealing with children exposed to domestic violence]. "Emerging strategies in the prevention of domestic violence." The future of children (1999): 133-144. CC

This perspective suggests that domestic violence **[IPV] is learned behavior that is modeled, rewarded, and supported by** families and/or the broader **culture**. Analyses based on this theory focus on the ways children learn that aggression is appropriate to resolve conflicts, especially within the context of intimate relationships.11 Researchers have found that batterers are much more likely to have had violent fathers than are nonbatterers.12 Developmental research shows that early intervention with children from violent households may restore normal developmental processes, such as empathy and selfcontrol, and minimize the risk of further harm caused by exposure to abusive adult models.13 Societal Structure Theory According to this view, domestic violence **[IPV] is caused by an underlying power imbalance that can be understood only by examining society as a whole. The analysis focuses on patriarchy** or male domination **over women and children through** physical, economic, and **political control.** Domestic violence **[IPV] reflects** women’s **inequality** in the culture **and** the **reinforcement** of this reality **by various institutions.**14 Commonalities Across Causation Theories Despite the diversity of views regarding the underlying causes of domestic violence, there are some beliefs common to all these theories. They include: (1) that domestic violence **[IPV] has been ignored as a major social problem** until recently and remains poorly understood;15 (2) that domestic violence is a complex problem impacted by multiple variables;16 (3) that childhood trauma, either through exposure to violence or some other trauma, influences the likelihood of domestic violence;17 and (4) that **as long as** domestic violence is condoned as **[its] accepted behavior by** public attitudes and **institutions, there is little chance of preventing it** involves attempts to minimize the course of a problem once it is already clearly evident and causing harm**. Primary prevention strategies can introduce to particular population groups new values, thinking processes, and relationship skills** that are incompatible with violence and that promote healthy, nonviolent relationships. For example, resources can be used to focus on respect, trust, and supportive growth in relationships.19 **These efforts can be** targeted at populations that may be at risk for violence in their intimate relationships but who have not yet shown symptoms of concern, or they can be directed universally at broad population groups, such as school-age children or members of a particular community. In contrast to a population-based focus, secondary prevention efforts in domestic violence address identified individuals who have exhibited particular behaviors associated with domestic violence. An example of secondary prevention is a clear protocol for the way teachers can assist students who have discussed witnessing domestic violence in their homes but who do not show serious signs of harm.20 Tertiary prevention efforts are the most common and emphasize the identification of domestic violence and its perpetrators and victims, control of the behavior and its harms, punishment and/or treatment for the perpetrators, and support for the victims. Intensive collaboration and coordinated services across agencies may be vital in tertiary prevention efforts to address chronic domestic violence and to help prevent future generations of batterers and victims. However, tertiary efforts can be very expensive and often show only limited success in stopping domestic violence, addressing long-term harms, and preventing future acts of violence.21 Table 1 uses the primary, secondary, and tertiary prevention paradigm to categorize a broad range of domestic violence prevention strategies. Several of the strategies mentioned in the table are described in greater detail in the following section, which discusses innovative primary and secondary prevention strategies currently being tried in the United States and Canada. (For information regarding tertiary prevention efforts for children exposed to domestic violence, see the articles by Lemon, by Findlater and Kelly, by Saathoff and Stoffel, by Culross, and by Groves in this journal issue.) Innovative Primary and Secondary Prevention Efforts Existing primary prevention efforts are often directed toward particular population groups, and secondary efforts toward identified individuals within those groups. Programs for children typically target specific age groups and utilize, in their design, what is known about child development at that particular age. As a result, programs for very young children are markedly different from programs for adolescents, for example. Unfortunately, there is no information currently available regarding the total number of primary and secondary prevention programs that address domestic violence. The programs described below are highlighted because they illustrate the points being discussed, not because they necessarily represent the most successful programs. Comprehensive, evaluative information with regard to domestic violence prevention programs is also very limited but is presented when available. Infants and Preschool-Age Children (0 to 5 Years) Primary and secondary prevention strategies for infants and preschool children focus on ensuring that children receive a healthy start, including freedom from emotional, physical, and sexual abuse, and from the trauma of witnessing domestic violence. Development of such strategies begins by defining the principles of a healthy childrearing environment. Though there are differing opinions about the details of such a healthy environment,22 all experts agree that in order for very young children to thrive and grow to be nonviolent, productive adults, they must be cared for by supportive and nurturing adults, have opportunities for socialization, and have the freedom within protective boundaries to explore their world.23 Prevention programs targeting infants and preschool children have developed from the public health and nursing fields. They involve efforts to provide support for new parents through home visiting programs.24 (For more information on home visiting programs, see the spring/summer 1999 issue of The Future of Children.) Home visiting support and assistance can be delivered on a universal basis whereby all new parents receive basic in-home services for a specified time period. However, no pro grams with a universal approach currently exist in North America.25 Alternatively, home visiting services can be delivered to selected groups, such as families or neighborhoods, that are at greater risk for domestic violence. There are home visiting programs that currently target families identified as being at risk for child abuse,26 and include efforts to improve parenting skills27 and to prevent social isolation.28 Hawaii’s Healthy Start Program is a wellknown example of a prevention effort, with home visits provided to infants born to high-risk families to help prevent the incidence of child abuse and to promote other aspects of healthy child development. (See Box 1.) To date, home visitation programs have not focused on domestic violence prevention. Yet, such programs hold promise in this area because of their emphasis on creating a healthy environment for children and because many of the families served who are at risk for child abuse are also at risk for domestic violence. Moreover, families at risk for domestic violence may be more receptive to home visitation, with its focus on healthy relationships and family strengths, than to more directive or punitive approaches through child welfare services or law enforcement.20 However, there are potential problems with the use of home visiting programs to address domestic violence. These include concern for the safety of the home visitor and the victim, and the possibility that any trust between the home visitor and the family will be breached if domestic violence is discussed.29 School-Age Children (6 to 12 Years) Schools are ideal places in which to introduce primary prevention programs to wide ranges of children, because most children attend school. In addition, much of children’s social learning takes place in schools, and research has shown that social learning can play a role in the development of behaviors and attitudes that support domestic violence. Teachers, who typically represent the second most important influence in the lives of children, are in an ideal position to motivate students to consider new ways of thinking and behaving.30 In a 1998 comprehensive review of model programs for battered mothers and their children, several community agencies reported the development of primary prevention efforts in collaboration with schools.31 One of the key values inherent in all of these primary prevention programs is the belief that every student needs to be aware of domestic violence and related forms of abuse. Even if students never become victims or perpetrators of domestic violence, they may have opportunities in the future, as community members, to help others in preventing or stopping it.32 Because these programs consider domestic violence a community and societal problem, many of them also involve parents and other members of the broader community. One of the first programs to document efforts to prevent domestic violence by working with children in the schools was implemented by the Minnesota Coalition for Battered Women.33 (See Box 2.) The ideas and successes of this early program have spawned similar efforts across North America.34 Preliminary evaluations of these newer programs are promising and indicate that key elements of successful school-based programs include: identifying relationship violence as a form of societal violence; acknowledging that domestic violence is an abuse of power and control; creating a high enough level of trust so that children can disclose exposure to domestic violence and teachers can make appropriate referrals; teaching safety skills about what to do when domestic violence occurs; and encouraging the development of social skills such as anger management and conflict resolution as alternatives to violence.35 Adolescents (13 to 18 Years) Adolescence is a time of important cognitive and social development. Teens learn to think more rationally and become capable of thinking hypothetically. They also develop a greater understanding of the possible risks and consequences of their behaviors and learn to balance their own interests with those of their peers and family members. Conformity to parental opinions gradually decreases throughout adolescence, while peers become **increasingly** influential until late adolescence.36 Romantic relationships become more important by mid-adolescence.37 Thus, early- and mid-adolescence offer unique windows of opportunity for primary prevention **efforts that make teens aware of the ways in which violence in relationships can occur**, and that teach healthy ways to form intimate relationships.38 When offered opportunities to explore the richness and rewards of relationships, youths become eager to learn about choices and responsibilities. Clear messages about personal responsibility and boundaries, delivered in a blame-free manner, are generally acceptable to this age group, whereas lectures and warnings are less helpful.39 Primary prevention programs delivered universally through high schools often involve activities aimed at increasing awareness and dispelling myths about relationship violence. Such activities might include school auditorium presentations involving videotapes, plays, professional theater groups, or speeches from domestic violence or teen dating violence survivors; classroom discussions facilitated by teachers or domestic violence services professionals; programs and curricula that encourage students to examine attitudes and behaviors that promote or tolerate violence; and peer support groups. Some school-based programs have resulted in youth-initiated prevention activities such as theatrical presentations to younger children, and marches and other social protests against domestic violence.40 **Preliminary data** from evaluations of six school-based dating violence prevention programs **report increases in knowledge about dating violence issues, positive changes in attitudes about dating violence, and self-reported decreases in the perpetration of dating violence**. Though preliminary, these data indicate that **adolescents are receptive to** school-based prevention programs.41 In addition to school-based programs for adolescents, there are also **community based programs with primary prevention goals** similar to those of the school-based programs. Many of the community based programs also provide secondary prevention services to teens who have displayed early signs of violence. (See Box 3.)

Guns atomize people by creating a politics of fear and individualism which make government oppression inevitable. DeBrabander 15

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015, CC

Rousseau and Tocqueville maintain that democracies, like all states, devolve through political concentration. Viewing the young American democracy, Tocqueville deduces that extreme individualism greases the wheels of this process. Materialism sharpens our individualism and makes us devoted to personal gain, as opposed to personal glory, which is more amenable to civic participation. Egalitarianism ironically urges us to dissociate from others, Tocqueville suggests; if my neighbors and compatriots are neither above me nor below me, what need do I have for them? In the ancien régime, people in different stations relied on one another, and the pieces of society fit together into a seamless whole. Not so in the new world: here, I may be self-determining and self-sufficient. Tocqueville offers a vision of aristocracy that is too rosy. He suggests that the masses should rely on the expertise of the nobility, who are bred and trained for leadership. But the American instinct to reject expertise and authority in favor of self-reliance is, for Tocqueville, at least equally disastrous. It is wonderful so long as it inspires the political attention and interest he witnessed in New England town meetings, but civic involvement is ultimately bound to lose out to capitalistic endeavors and the seductive joys of consumerism. Civic involvement has become a casualty in our own era, when we suffer from “time poverty,” as sociologist Juliet Schor put it: Americans put in long work days, combined with increasingly long commutes, and have little time or energy to interact with their peers, work for their communities, or even think much about politics. 88 This state of affairs is fueled by personal ambition, but also by plain greed. As Tocqueville presciently saw, Americans have little interest, and are left with little energy, to be political creatures, and to devote time to thoughtful and concerted political action and interaction. This fragmentation of society into atomistic individuals, each pursuing his or her own endeavor in isolation or in contention with others, renders us vulnerable and ripe for oppression: “What resistance can be offered to tyranny in a country where each individual is weak and where citizens are not united by any common interest?” 89 There is perhaps no individualism more extreme than that put forth by the contemporary gun rights movement. The NRA argues against the collective reading of the Second Amendment and insists instead upon the individual citizen’s right to amass a colossal private arsenal. The organization toils on behalf of individuals’ right to shoot intruders in their private abodes without accountability or social judgment. It works to ensure that individuals can act impulsively in private arguments, according to their personal whims, passions, and prejudices. It demands that they be permitted ammunition capable of piercing bulletproof vests worn by police. None of these advances a collective right or concern. It is to further the interests of each individual in being armed to the teeth, with whatever tools, for whatever purpose (provided it is within the law), and to have greater leeway in wielding and employing them. These arms represent a suspicion of the collective, and of the government that would represent the collective good. I argued in the previous chapter how these weapons are a mark of suspicion, and deepen the suspicion of the armed. A gun fundamentally severs its bearer from the community of his peers; it causes others to treat [them] him with trepidation and fear— if they approach him at all. As open carry proponents proudly assert, their weapons are intended to serve as a warning. Saul Cornell chides contemporary gun rights ideology for promoting gun ownership primarily as “a means for repulsing government or other citizens, not a means for creating a common civic culture.” 90 This, he argues, is at odds with the aims and intentions of our Founders. He believes they did envision an individual right to bear arms, but it was never meant to be a right in isolation. It was to be linked to a civic function and to collective obligation. Cornell writes, The original version of a well-regulated militia was premised on the notion that rights and obligations were inseparable. Arms bearing was a public activity, a way of nurturing and demonstrating one’s capacity for virtue. The militia was viewed by the Founders as a vital political and social institution, part of a seamless web that knit the locality, the state, and the national government together into a cohesive political community. 91 Cornell’s argument aptly depicts how the current gun rights movement undermines civic life. Gun rights, as they are currently conceived and championed by the NRA, are the ultimate go-it-alone rights. If our Founders felt that the Second Amendment would help oppose tyrannical government, it is reasonable to wonder how such opposition was ever to be mobilized. It could hardly happen in a nation of armed, isolated individuals, each in charge of a private arsenal. This purpose requires a trained, organized— regulated— force; it implies collective action, purpose, will, and commitment. George Washington grew tired of militias to the extent that they were loose collections of individuals. He wanted a fighting force with cohesion, identity, and organization because he was a warrior, and he knew what war— or the toppling of tyrannical regimes— required. The gun rights movement pits the individual against society. Collectives are suspect, groups weak, their members sheeplike, obedient, pliant, and ultimately subservient. Collectives breed collective behavior, which is reprehensible to the movement’s bold, assertive, fearless, and morally certain adherents. People mired in collective sensibilities wait for the police to bail them out of threatening situations. Free, confident, strong individuals go it alone. Collectives are corruptible, their members easy to manipulate and herd. Only the independent individual is pure and inviolate. Political freedom thus stems from the uncorrupted and incorruptible sovereign individual. To gun rights advocates, that is the center and foundation of liberty. This much is clear from the political vision put forth by Napolitano and LaPierre: the principal political battlefield, anticipated by the Founding Fathers who knew tyranny firsthand, is between the individual fighting to retain his sovereignty, and the collective that would strip it away. This stripping-away takes place through, among other things, government efforts to regulate guns, abetted by those who would cede their freedom for the short-term prospect of personal safety. In the process, such people unwittingly empower tyranny. Dan Baum writes Guns are the perfect stand-in for one of the fundamental, irresolvable, and recurring questions we face: to what extent should Americans live as a collective, or as a nation of rugged individuals? We have the same fight over health care, welfare, environmental regulations, and a hundred other issues. The firearm, though, is the ultimate emblem of individual sovereignty, so if you’re inclined in that direction, protecting gun rights is essential. And if you’re by nature a collectivist, the firearm is the abhorrent idol on the enemy’s altar. 92 Baum articulates the dichotomy aptly, at least as it is viewed by the gun rights movement. Tyranny has also been invoked in recent debates over health care and environmental regulation. It follows from, and is symptomatic of, collectivism and anything that points in that direction. The gun rights movement offers us radical individualism— the sovereign individual— as the requisite remedy. But its advocates do not perceive, or refuse to admit, how politically debilitating their agenda is. Contrary to what they assert, their sovereign individuals, even armed to the teeth, are no match for the brute power of tyrants. Instead, the NRA and company unwittingly assist tyrants with their (as Cornell puts it) radically “anti-civic vision.” 93 The gun rights movement undermines the collective or popular organization that alone might prove effective in countering a government bent on oppression.

### Part Four is Framing

We need to embrace the state as a heuristic – our argument is not that the state is good but that learning the levers of power is key to confronting it. **Zanotti 14**

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By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain a pristine ‘‘freedom from all constraints’’ or an immanent ideal social order. It is found instead in multifarious and contingent struggles that are constituted **within** the scripts of **government**al rationalities and at the same time exceed and transform them. This approach questions oversimplifications of the complexities of liberal political rationalities and of their interactions with non-liberal political players and nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems. International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. Governmentality as a heuristic focuses on performing complex diagnostics of events. It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’ romanticizations of the ‘‘rebel’’ or the ‘‘the local.’’ More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. These alternative formulations also foster an ethics of political engagement, to be continuously taken up through plural and uncertain practices, that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’’83 Such ethics of engagement would not await the revolution to come or hope for a pristine ‘‘freedom’’ to be regained. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices. To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.’’84

Within education, this is uniquely key – the judge has an obligation to endorse political education to prevent ceding power. **Giroux 6**

Giroux 6 [(Henry, sociologist) “The abandoned generation: The urban debate league and the politics of possibility” from America on the Edge]

￼The decline of democratic values and informed citizenship can be seen in research studies done by The Justice Project in 2001 in which a substantial number of teenagers and young people were asked what they thought democracy meant. The answers testified to a growing depoliticization of American life and largely consisted of statements along the following lines: "Nothing," "I don't know," or "My rights, just like, pride, I guess, to some extent, and paying taxes," or "I just think, like, what does it really mean? I know its our, like, our government, but I don't know what it 6 technically is." The transition from being ignorant about democracy to actually sup- porting antidemocratic Tendencies can be seen in a number of youth surveys that have been taken since 2000. For instance, a survey released by the University of California, Berkeley, revealed that 69 percent of students support school prayer and 44 percent of young people aged fifteen to twenty-two support government restric- tions on abortions. A 2004 survey of 112,003 high school students on First Amendment rights showed that one third of students surveyed believed that the First Amendment went too far in the rights it guarantees and 36 percent believed that the press enjoyed too much freedom. This suggests not just a failing of education, but a crisis of citizenship and democracy. ￼One consequence of the decline in democratic values and citizenship literacy is that all levels of government are being hollowed our, their role reduced to dismantling the gains of the welfare state as they increasingly construct policies that ￼criminalize social problems and prioritize penal methods over social investments. When citizenship is reduced to consumerism, it should come as no surprise that people develop an indifference to civic engagement and participation in democratic public life. Unlike some theorists who suggest that politics as critical exchange and social engagement is either dead or in a state of terminal arrest, I believe that the current depressing state of politics points to an urgent challenge: reformulating the crisis of democracy as a fundamental crisis of vision, meaning, education, and political agency. Central to my argument is the assumption that politics is not simply about power, but also, as Cornelius Castoriadis points out, "has to do with political judgments and value choices," meaning that questions of civic education—learning how 8 to become a skilled citizen—are central to democracy itself. ￼Educators at all levels need to challenge the assumption that politics is dead, or the nature of politics will be determined exclusively by government leaders and experts m the heat of moral frenzy. Educators need to take a more critical position, arguing that knowledge, debate, and dialogue about pressing social problems offer individuals and groups some hope in shaping the conditions that bear down on their lives. Public civic engagement is essential if the concepts of social life and the public sphere are to be used to revitalize the language of civic education and democratization as part of a broader discourse of political agency and critical citizenship in a global world. Linking the social to democratic public values represents an attempt, however incom- plete, to link democracy to public action, as part of a comprehensive attempt to revitalize civic activism and citizen access to decision-making while simultaneously addressing basic problems of social justice and global democracy. ￼Educators within public schools need to find ways to engage political issues by making social problems visible and by debating them in the political sphere. They also need to be at the forefront of the defense of the most progressive historical advances and gains of the state. 1-rcnch sociologist Pierre Bourdieu is right when he calls for collective work by educators to prevent those who arc mobilized against the welfare state from destroying the most precious democratic conquests in labor legis- lation, health, social protection, and education.'' At the very least, this would suggest that educators should defend schools as democratic public spheres, struggle against the de-skilling of teachers and students that has accompanied the emphasis on teach- ing for test-taking, and argue for pedagogy grounded in democratic values rather than testing schemes that severely limit the creative, ethical, and liberatory potential of education.

### Part Five is Theory

1. Don’t vote on theory about our AFF being substantively hard to answer:

A. They punish the AFF for doing good research, which kills fairness since the AFF is expected to find the best args for their side and the neg doesn’t get to choose exactly what ground they want as long as they have ground – their interp justifies shells like “may not read good cards because they’re slightly harder to answer”

B. Incentivizes less research and more vague case writing - people will read worse args for fear of losing on “your case is too good” which is terrible for learning about the topic. Also kills creativity since it only allows the most common cases instead of good, slightly harder ones which makes stale education where we just memorize blocks – outweighs since thinking on our feet is key to *applying* other knowledge

C. It’s more unpredictable to create rules ex post facto that exclude advocacies not derived from the topic literature since the AFF speaks in the dark and can’t possibly know what interps to expect if they’re not grounded in the topic – outweighs their offense since it’s still possible to engage the AFF even if a little harder

D. Our AFF is obscenely predictable – it’s been disclosed for 4 months, is a major proposal, and is the #1 AFF on the topic according to premier debate – proves reading T is disingenuous and an excuse to avoid talking about IPV

AND AFF gets RVIs –

1. AFF flex – neg has the ability to collapse to either layer so aff needs the same ability for the 2AR – this outweighs. **A.** 2NR collapse – time skew becomes 6-1 since I cover multiple layers, which makes it impossible to win **B.** 1AR is too short to read theory compared to the neg so AFF needs each layer to be reciprocal rather than adding more unreciprocal avenues

2. Only neg can read T because only AFF has a T burden so since aff can’t reciprocally respond they need the RVI to compensate for neg’s unique avenue to the ballot.

# Extra

### Cards

Ignoring the way guns infiltrate the lives of survivors is reflective of the way the law and politicians intentionally avoid discussions of intimate partner violence. **Mugo 16**

Kari Mugo. January 7, 2016. “ONE OFTEN-OVERLOOKED NEED FOR GUN CONTROL: ENDING DOMESTIC ABUSE” Bitch Media. https://bitchmedia.org/article/we-need-gun-control-end-domestic-abuse

America has a gun problem. We know this. You know this. The whole world knows this. America’s gun problem is so bad that we had roughly 300,000 gun deaths between 2005 and 2015, only a fraction of which were mass shootings. While atrocities like the ones in Sandy Hook, San Bernadino, Colorado Springs, and so many other cities are what pump terror into American life, the daily domestic violence homicides that fill the police blotters in local papers often go largely ignored. A 2014 Center for American Progress report found that a key difference in the violence committed against women and men in the United States is who commits it: Women are much more likely to be victimized by people they know, while men are more likely to be victims of violent crime at the hands of strangers. Between 2001 and 2012, 6,410 women were murdered in the United States by an intimate partner using a gun—more than the total number of U.S. troops killed in action during the entirety of the Iraq and Afghanistan wars combined. This reports also notes that women owning guns for self-protection (the “good guy with a gun” argument) has not been shown to limit fatalities, and in fact, may increase their chances of being murdered. While mass shootings capture headlines, the daily deluge of domestic violence is seen as tragically “normal” in the United States.¶ Meanwhile, Republicans in Congress and the Senate have fought even the most basic gun safety reforms. During October, which is Domestic Violence Awareness Month, Representative Gabrielle Giffords launched the Women’s Coalition for Common Sense to support gun control laws across the United States that would specifically focus on stopping known domestic abusers from buying guns. Current federal law prohibits convicted domestic abusers from legally buying guns. However, as the Coalition explains, individuals who have been convicted of misdemeanor stalking are not prohibited from purchasing firearms; they can still pass a background check and buy a gun through the so-called “stalker gap.” On Tuesday morning, Giffords was at Obama’s side as he announced a federal plan to insure all gun buyers have to pass background checks and enforce existing gun control laws. “We're working with advocates to protect victims of domestic abuse from gun violence, where too often, people are not getting the protection that they need,” Obama said, to applause.¶ To genuinely decrease rates of gun violence in America, we have to focus on decreasing domestic violence—and that means discussing why men have access to guns and can so often get away with abuse. Statistics have long shown that men commit homicide using guns in higher proportions; it is mostly men who are killing each other and everyone else. Which means that when we talk about gun violence, or gun control, we should be talking in the same breath about masculinity and the mold constructed for it to fit in. To ignore the price and role that men pay and play is to fail to dig out the roots that make gun violence a rote part of living in America.¶ Ending gun violence will require background checks and other policy solutions—but it also means changing our cultural attitude toward both guns and the way we as a society tolerate violence as an expression of masculinity. That guns have long being marketed towards men as extensions of masculinity is not incidental. When violence among young men is passed off as just “boys being boys” and aggressive, controlling behavior in intimate relationships is seen as romantic, we create an environment that fosters violence. The bullying of boys who get emotional doesn’t stop on the elementary school playground—conservative pundits pilloried Obama for shedding tears during his discussion this week of the Sandy Hook shootings. Meanwhile, easy access to guns has created pathways for fatal gendered violence. Because intimate partner violence often occurs in the home, it’s harder to see. Lack of support legally, socially, and culturally for survivors makes it harder for victims to flee—trapping many in situations that escalate into fatal shootings. While the main argument for gun control has to do with relatively rare but tragic displays of mass violence, stricter gun controls would also serve to keep thousands of women safe and alive on a daily basis. Existing federal legislation, the 1996 Domestic Violence Offender Gun Ban, has been deeply flawed since its inception. For one, while it bans offenders accused or convicted of domestic violence from purchasing guns in the future, it does nothing to address the guns they already own. Not to mention the many loopholes through which anyone can evade background checks and buy a gun. There is also the very narrow definition of domestic violence that requires victims to either have had a marital or dwelling history with their abuser. What about dating partners? Stalkers? More and more women are enduring violence at the hands of dating partners than husbands or domestic partners—a trend which makes sense if you consider the decrease in the popularity of marriage over the past few decades.¶ Obama’s new Common-Sense Gun Safety Reform plan addresses some of these issues by requiring background checks for all gun purchases and making sure current laws are enforced. But there is so much more to be done. Federal law could more fully address gendered gun violence, for example, by requiring domestic violence abusers to relinquish any guns they own and expanding gun bans to restraining and trespassing orders. It could close the “stalker gap.” It could provide dramatically more funding for domestic violence shelters and services. There are many more lives we could be saving if we understood implicitly that gun control is about more than preventing mass shootings or persons deemed mentally ill from acquiring guns. Smarter gun control is about tackling the reasons behind gun violence—and understanding how the epidemic of violence functions to disproportionately affect women and people of color. It is about bearing witness to the violence that happens out of the public eye and giving these victims their due recognition and justice.

We go a step beyond feminist theory – IPV actively contributes to heteronormative policies and exclusions – our discourse is key to reframing that male-female binary. **Chiron 16**

Samuel Chiron, "How Heteronormative Paradigms Ostracize Queer Populations In Intimate Partner Violence Research," Huffington Post, http://www.huffingtonpost.com/samuel-chiron/how-heteronormative-parad\_b\_9171030.html, February 9, 2016.

Intimate partner violence (IPV) is a severe public health problem in the United States and across the world and continues to plague women and members of the LGBTQ, sexual and gender minority populations at disproportionate rates. Domestic violence, sexual violence and rape are occurrences that affect women much more than men — a reality that exists due to cultural norms and education. Today, most research investigating IPV and other forms of sexual and partner violence focuses on heterosexual women as victims and heterosexual men as perpetrators, a notion that is justifiable in the realms of empirical evidence. However, when focusing on development, implementation and evaluation of effective intervention strategies to address IPV, current models are subject to heteronormative biases under the dominant gender binary paradigm. Though it would be dangerous to overlook the disproportionate amount of violence women experience compared to men, concerns for studying IPV in LGBTQ, sexual and gender minority populations cannot eternally utilize strategies that fall under these paradigms. In the work by Claire Cannon and Frederick Buttell, we observe how these biases affect future implications for public health strategies and intervention programs to address IPV among queer folks, why they persist, and how researchers may support a feminist approach to violence without using a strictly heteronormative lens. Like what Cannon and Buttell mentioned in the earlier half of the article, the point of making these arguments is not to denounce any current efforts to research and address IPV, sexual violence or rape. Most of the literature has shown that research on IPV is “focused on heterosexual male offenders and heterosexual female victims” (Cannon & Buttell, 2015). The argument for why this occurs is frank — men rape far more often than women do. While this feminist perspective accounts for the specific populations who are disproportionately victimized, such as women, it does not explain the social and behavioral implications for why non-heteronormative individuals become victims of IPV. Cannon and Buttell (2015) mention that a limited amount of empirical research is a reason why subsequent policy and intervention proposals may not effectively target and help queer individuals who are either offenders or victims in IPV situations. Despite the need for more research on non-heteronormative populations, there is data to show that not only heterosexual men and women are involved in situations of IPV at high rates, but also self-identified lesbians, gay men and bisexual women, who experience some of the highest rates of IPV (Black et. al., 2011). To sum this up, “Same-sex relationships are rendered deviant and invisible by the same patriarchal system that legitimizes male violence, as a bid for control, against women” (Cannon & Buttell, 2015). The article, by identifying these gaps in research of IPV among LGBTQ populations, informs us of the complicated realm of LGBTQ health disparities. There are three reasons why the discussion Cannon and Buttell pursued may add to our knowledge of LGBTQ health disparities: gender-neutral language, intersectionality and heteronormative bias. Research and policy must expose heteronormative assumptions in order for professionals to pursue the development and implementation of effective intervention strategies that address IPV in all communities (Cannon & Buttell, 2015). As in other health studies, white, heterosexual men and women flood the human subjects base and thus, data reflects the social and behavioral implications of heteronormative cultural values. As researchers, we make assumptions and predictions based on data that is found, but do we take enough time to acknowledge the disparity of this data and how it reflects, and speaks to, a dominant sector of our population? Language is a fundamental component to researching LGBTQ health disparities and subsequently developing programs and policies that address these disparities. Our society relies heavily on language to distinguish people and allow them to identify in a multitude of ways. Though progression has occurred, feminist approaches to IPV continue to use gender-specific language — he and her pronouns, male and female identities and so on. Merely using a male-female binary in our language ostracizes many of those who identify outside of traditional gender norms, such as nonbinary, genderqueer, transgender and other self-identifications. By exposing this limitation, researchers may be better equipped to investigate how and why invisible, gender-bending populations experience alarming rates of IPV (Black et. al., 2011). Language is elastic and as the queer liberation movement progresses, such as recent spotlights on transgender health disparities and risks of becoming a victim of violence, we must include language that includes all identities, gendered or not.

Radical rejection of the law or state denies survivors agency to affect their personal circumstances and tell survivors to just accept the positions they are in. **Lewis 01**

Lewis, Ruth, et al. "Law's progressive potential: The value of engagement with the law for domestic violence." Social & Legal Studies 10.1 (2001): 105-130.

For classic abolitionists, the sole focus of attention is the offender. Their motivation is to prevent the oppressive state inflicting harm on the offender; little or no consideration is paid to victims. Thus the abolition movement has paid scant attention to the socio-legal dilemmas presented by violence against women. Consequently, they have not addressed the complex question of how to provide protection for women without reliance on oppressive state machinery. Exceptions amongst those influenced by this movement are Rifkin (1982) and Snider (1990, 1998) who explore the potential for social transformation which will release us from the grip of both patriarchy and capitalism. They argue, from Marxist feminist perspectives, that reliance on the law to promote feminist concerns is misguided and futile. Indeed, the lasting impression of their writing is that all that is holding back the realis- ation of the socialist programme is women’s continued dependence on the patriarchal and capitalist legal system.¶ Abstentionists who write from a feminist perspective have argued that it is impossible to use the law and legal apparatus to confront patriarchal oppres- sion when the law itself is saturated in patriarchal beliefs, structures and methods (Freeman, 1980). These writers go beyond a healthy scepticism of the law’s desire to promote feminist concerns to a more fundamental rejec- tion of engagement with the law. Smart (1986), for example, argues that despite changes in the law (eg. Equal Opportunities legislation, changes in the treatment of rape survivors and pro-arrest policies for domestic violence) material reality has changed little, resulting in piecemeal reform. Snider (1998:11) concludes that ‘ [c]riminal justice systems are probably the least effective institutions to look to for transformative change’ as they provide the state with more power of surveillance and control, and women as victims with less. Others agree that we should reject the criminal justice system as the site of liberation for women and should, instead, be engaged in the explo- ration and creation of women’s alternative justice based on women’s differ- ent moral values. This unique sense of justice is based, for some, on women’s ‘different voice’ (Gilligan, 1982) which stresses the feminist themes of ‘caring, sharing, nurturing and loving’ (Harris, 1987: 33), conceives of an ethic of care based on the premise that ‘no one should be hurt’ (Gilligan, 1982: 174) and delivers ‘loving justice’ (Masters and Smith, 1998: 16).¶ Abstentionists’ discussions, almost exclusively, are theoretical and political rather than empirically-informed. They are strong on critique and consider- ably more limited on alternative. The hazy suggestions that we ‘use law against itself’ (Snider, 1990: 164) or use the law ‘as a site on which to dispute meanings of gender’ (Smart, 1995: 219) provide little pragmatic comfort for battered women. Despite the professed aim to protect women, few of these writers actually research women to learn about the law from their perspec- tives. Consequently, they do not contribute to our understanding of women or men’s views and experiences of the law.¶ Abstentionists’ narrow focus on theoretical abstractions rather than empirical investigations leads to several shortcomings. Firstly, their argu- ments are not grounded in a close analysis of women’s or men’s needs, desires, motives and concerns. Instead, their arguments are built upon reviews of legislation or considerations of the underlying principles of law or draw on analysis of individual legal cases. The focus on law in theory to the exclusion of an empirically-informed analysis of law in practice is unduly narrow and fails to capture the lived experience of legal intervention. This leads, in the case of Gilligan, for example, to a tendency to essentialise women and view all women as alike despite differences in class, ethnicity or personal circum- stance (Roach Anleu, 1992). It also leads to a tendency to speak on behalf of women and in so doing, the concerns of this form of feminism come to replace the needs of abused women; the focus of inquiry becomes the law rather than women’s experiences of the law. Indeed, it is astonishing that, even though their work is entirely focused on how legal reform might or might not progress the needs of abused women as a group, we rarely hear those women’s voices in this literature. This could be due partly to the non-empiri- cal disciplinary tradition of socio-legal. However, it could be argued that it is the responsibility of feminists, even more than other scholars, to transcend such disciplinary conventions in their search for meaningful law for women.¶ Moreover, this epistemological approach which is not grounded in women’s lived realities, leads to a tendency to over-determinism in which women are denied agency or the ability to affect their life circumstances. Thus it is not sensitive to the subtle ways in which women exert their agency and act as survivors rather than victims (Schneider, 1992). This approach pre- cludes any investigation of the small, routine and private or the grand, dra- matic and public ways in which women challenge men’s abuse and the ways they might invoke the law to support them in these challenges.5

Critique is a non-starter – we know the state is bad, but it’s the best solution to the immediacy of intimate partner violence. Kritiks of the state are just ivory tower theorizing. **Lewis 01**

Lewis, Ruth, et al. "Law's progressive potential: The value of engagement with the law for domestic violence." Social & Legal Studies 10.1 (2001): 105-130. TF

These writers argue that, although the law represents and sustains patriar- chal capitalist interests, it is not simply a representation of these interest. Rather, the law is able to incorporate apparently challenging interests, such as those of feminists promoting reform beneficial to women. While they argue that only the least challenging reforms are implemented and are some- times co-opted in ways inimical to feminist interests, the ‘small space’ remains as an arena for challenge, critique and reform. Moreover, the femin- ist struggle with the law is valuable in terms of the process of challenge. Feminist critique at least prevents inequalities going unchallenged; as a minimum, feminist engagement keeps women’s concerns on the political agenda (Thornton, 1991). Thus, the process of challenge is significant in terms of the history, development and future of the feminist movement.¶ For other sceptical reformers, the driving force is the immediate need of women who use the law. While these scholars recognise the need for long- term restructuring, they are impelled by the urgencies of women’s impera- tives. For example, Matsuda argues that while ‘there are times to stand outside the courtroom door’ there are also ‘times to stand inside the court- room [and] embrace legalism as a tool of necessity’ (1989: 8). It is the immedi- acy of women’s needs which drives her to advocate engagement with the law. Short-term imperatives do not disappear when we turn our sights to long- term goals.¶ Sceptical reformers also make the ethical argument that, regardless of our theoretical or political view, we cannot refuse to engage with a process upon which women continue to rely. For example, Henderson, (1991: 438) argues, ‘[a]s skeptical as social science may be of law’s ability to change behaviours or stop criminality, it would be morally irresponsible to stop trying to make law listen and respond to female human beings.’ Similarly, Howe (1987: 431) points to the dangerous consequences of abstentionism, ‘such as perpetuat- ing women’s exclusion and disempowerment’. In the absence of pragmatic alternatives, the abstentionist position fails to provide a viable strategy for abused women. Indeed there has been a marked absence of visions of social change proposing viable alternatives for abused women; the academic femin- ist movement has failed to imagine ‘feasible utopias’ with which to replace the current, flawed legal responses to domestic violence.